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2000

# ILLINOIS

## REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES

ILLINOIS DOCUMENTS

JUN 02 2000

Volume 24, Issue 23  
June 02, 2000

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# ILLINOIS REGISTER

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Issue 16 - April 14, 2000: Data Through March 31, 2000  
Issue 29 - July 14, 2000: Data Through June 30, 2000  
Issue 42 - October 13, 2000: Data Through September 30, 2000  
Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
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Issue 11	March 6	March 17	Issue 38	September 5*	September 15
Issue 12	March 13	March 24	Issue 39	September 11	September 22
Issue 13	March 15	March 26	Issue 40	September 18	September 29
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Issue 18	April 17	April 28	Issue 44	October 23	November 3
Issue 19	April 24	May 5	Issue 45	October 30	November 13**
Issue 20	May 1	May 12	Issue 46	November 6	November 17
Issue 21	May 8	May 19	Issue 47	November 13	November 27 **
Issue 22	May 15	May 26	Issue 48	November 20	December 1
Issue 23	May 22	June 2	Issue 49	November 27	December 8
Issue 24	May 30*	June 9	Issue 50	December 4	December 15
Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Approval of Negotiated Agreements2) Code Citation: 83 Ill. Adm. Code 7633) Section Numbers:

763.30 Amendment  
 763.100 Amendment  
 763.105 New Section  
 763.120 Amendment  
 763.130 Amendment  
 763.140 Amendment  
 763.200 Amendment  
 763.230 Amendment  
 763.440 Amendment  
 763.1000 New Section  
 763.1010 New Section  
 763.1020 New Section  
 763.1030 New Section  
 763.1040 New Section  
 763.1045 New Section  
 763.1050 New Section  
 763.1060 New Section

Proposed Action:

763.30 Amendment  
 763.100 Amendment  
 763.105 New Section  
 763.120 Amendment  
 763.130 Amendment  
 763.140 Amendment  
 763.200 Amendment  
 763.230 Amendment  
 763.440 Amendment  
 763.1000 New Section  
 763.1010 New Section  
 763.1020 New Section  
 763.1030 New Section  
 763.1040 New Section  
 763.1045 New Section  
 763.1050 New Section  
 763.1060 New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings in which the Commission approves negotiated agreements pursuant to federal law.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: These proposed amendments

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed within 45 days after the date of this issue of the Illinois Register with:

Donna M. Caton  
 Chief Clerk  
 Illinois Commerce Commission  
 527 East Capitol Avenue  
 P.O. Box 19280  
 Springfield IL 62794-9280  
 (217)782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures

C) Types of professional skills necessary for compliance: Legal skills

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was not anticipated that the rulemaking would be submitted for First Notice at this time.

The full text of the Proposed Amendments begins on the next page:



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

## PART 763

## APPROVAL OF NEGOTIATED AGREEMENTS

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## ILLINOIS COMMERCE COMMISSION

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763.1000 Overview of Electronic Filing  
763.1010 Acceptable Formats  
763.1020 e-Docket Accounts  
763.1030 Control Processes  
763.1040 Submission of Electronic Documents  
763.1045 Electronic Documents Accepted by the Commission  
763.1050 Service by Electronic Means  
763.1060 Electronic Documents and the Hearing Process

AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 8527, effective June 18, 1996, for a maximum of 150 days; emergency rules suspended at 20 Ill. Reg. 14285, effective November 1, 1996; emergency suspension withdrawn at 21 Ill. Reg. 5660, effective May 2, 1997; adopted at 21 Ill. Reg. 6454, effective May 16, 1997; emergency amendment at 24 Ill. Reg. \_\_\_\_\_, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 763.30 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, written discovery, answers to discovery, motions, responses, replies, notices, suggested findings of fact and conclusions of law, exceptions to Hearing Examiners' proposed orders, briefs, drafts or suggested



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forms of order, and similar writings.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 763.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

"Hearing Examiner" means an employee of the Commission, or a Commissioner, designated by the Commission to conduct proceedings pursuant to Section 252(e) of the Communications Act of 1934 (47 USC 8-5-6; 252).

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means any person who enters into a negotiated agreement for which Commission approval is sought under 47 USC 8-5-6; 252(e); or, any person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

## Section 763.100 Communications to the Commission

All paper documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701 62706. All formal paper communications and documents are deemed to be officially filed or submitted only when delivered to the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 763.105 Form of Pleadings and Documents

a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.

c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 763.120 Required Disclosures

Unless otherwise ordered by the Hearing Examiner or the Commission, parties shall file with the petition for approval of a negotiated agreement, and without awaiting a discovery request:

a) The name, address, facsimile number, e-mail address, and telephone number of each individual likely to have discoverable information relevant to the issues of whether:

1) the agreement, or any portion thereof, discriminates against a carrier not a party to the agreement; and

2) implementation of the agreement, or any portion thereof, would be inconsistent with the public interest.

b) A copy of, or a description by category and location of, all documents, data compilations, and written information in the possession, custody, or control of the party that are relevant to the issues of whether:



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) the agreement, or any portion thereof, discriminates against a carrier not a party to the agreement; and
- 2) implementation of the agreement, or any portion thereof, would be inconsistent with the public interest.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 763.130 Contents of Documents

- a) All documents submitted in approval proceedings before the Commission shall display the docket number of the proceeding. Documents initiating a new proceeding shall leave a space for the docket number. All documents shall also include the full name, address and telephone number of the person or the representative of the person filing the document.
- b) The original of every document filed with the Commission shall be signed by the party filing the same or by an officer or agent. The factual assertions contained in all documents shall be verified by the filing party before a notary public. The verification shall be in form and substance as follows:

I, \_\_\_\_\_, do on oath depose and state that the facts contained in the foregoing document are true and correct to the best of my knowledge and belief.

SIGNATURE OF PERSON VERIFYING DOCUMENT

SIGNED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, (year) 199--.

NOTARY PUBLIC

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 763.140 Copies of Documents

- a) For any proceeding subject to this Part that was initiated prior to January 1, 2000, all Att documents shall be filed with the Chief Clerk in one original and two copies, unless otherwise specified in this Part.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- b) For any proceeding subject to this Part that was initiated after January 1, 2000, one original document shall be filed with the Chief Clerk.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: SCHEDULING AND DISCOVERY PROCEDURES

## Section 763.200 Scheduling Conferences

Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a scheduling conference. Notice of the conference shall be given in writing, telephone, e-mail, or telephone facsimile not later than 24 hours before the pre-hearing conference. Such a conference may be held for any purpose, including, but not limited to:

- a) Scheduling;
- b) Identification and simplification of issues;
- c) Amendments to documents;
- d) Limitations on the number of witnesses;
- e) The issuance of rulings denying, limiting, conditioning or regulating discovery;
- f) The issuance of rulings supervising all or any part of any discovery procedure; and
- g) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 763.230 Protective Orders

- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.
- b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.
- c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
- d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS COMMERCE COMMISSION

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## SUBPART E: PROCEDURE FOLLOWING INFORMATION GATHERING

**Section 763.440 Filing of Briefs**

- a) In proceedings subject to this Part that were initiated prior to January 1, 2000, an original and eight copies of all briefs shall be filed with the Commission.
- b) In proceedings subject to this Part that were initiated after January 1, 2000, an original brief shall be filed with the Commission.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: ELECTRONIC FILING

**Section 763.1000 Overview of Electronic Filing**

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 763.1010 Acceptable Formats**

- a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:
- 1) Microsoft Word for Windows, version 6.0 and greater;
  - 2) Corel WordPerfect for Windows, version 6.0 and greater;
  - 3) Microsoft Excel for Windows, version 4.0 and greater;
  - 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
  - 5) ASCII Text;
  - 6) Adobe Acrobat 2.0 and greater.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.
- c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 763.1020 e-Docket Accounts**

- a) Each person seeking to file electronic documents must have an active e-Docket account.
- b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.
- c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

- d) Applications must be hand-delivered or mailed to the e-Docket help desk.

- e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

- f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 763.1030 Control Processes**

- a) e-Docket allows only users with I.D. and passwords to file electronic documents.
- b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

service list.

- c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.
- d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.
- e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 763.1040 Submission of Electronic Documents**

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.

- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 763.1010(a).

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 763.1045 Electronic Documents Accepted by the Commission**

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 763.1050 Service by Electronic Means**

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 763.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.

b) If any party files a proprietary electronic document (see Section 763.230), that party must serve the proprietary electronic document on any other party of record that has the right to see the document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 763.1060 Electronic Documents and the Hearing Process**

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefilled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have the copies stamped is eliminated. If any prefilled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Approval or Rejection of Arbitrated Agreements

2) Code Citation: 83 Ill. Adm. Code 762

3) Section Numbers:

762.30 Proposed Action:

Amendment

762.100 Amendment

762.105 New Section

762.120 Amendment

762.200 Amendment

762.210 Amendment

762.220 Amendment

762.1000 New Section

762.1010 New Section

762.1020 New Section

762.1030 New Section

762.1040 New Section

762.1045 New Section

762.1050 New Section

762.1060 New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the purpose for which electronic documents may be used in Commission proceedings in which the Commission approves or rejects arbitrated agreements pursuant to federal law.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed within 45 days after the date of this issue of the *Illinois Register* with:

Donna M. Caton

Chief Clerk

Illinois Commerce Commission

527 East Capitol Avenue

P.O. Box 19280

Springfield IL 62794-9280

(217)782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures

C) Types of professional skills necessary for compliance: Legal skills

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was not anticipated that the rulemaking would be submitted for First Notice at this time.

The full text of the Proposed Amendments begins on the next page:



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TITLE 83: PUBLIC UTILITIES  
 CHAPTER I: ILLINOIS COMMERCE COMMISSION  
 SUBCHAPTER f: TELEPHONE UTILITIES

PART 762  
 APPROVAL OR REJECTION OF ARBITRATED  
 AGREEMENTS

## SUBPART A: GENERAL PROVISIONS

## Section

762.10 Procedure Governed

762.20 Deviation from this Part

762.30 Definitions

762.40 Authority of Hearing Examiner

762.50 Federal Preemption of State Court Review

762.60 Failure to Act

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

## Section

762.100 Communications to the Commission

762.105 Form of Pleadings and Documents

762.110 Submission for Commission Approval of an Arbitrated Agreement

762.120 Filing of Comments

762.130 Service

## SUBPART C: PRE-DECISIONAL PROCEDURE

## Section

762.200 Pre-decisional Conferences

762.205 Schedule of Pre-decisional Procedure

762.210 Intervention

762.220 Protective Orders

## SUBPART D: DECISIONAL PROCEDURE

## Section

762.300 Disqualification of Hearing Examiner

762.310 Consolidation and Severance

762.320 Ex Parte Communications

## SUBPART E: POST-COMMENT PROCEDURE

## Section

762.410 Hearing Examiner's Proposed Decision

762.420 Exceptions

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762.430 Oral Argument

762.440 Additional Comments

## SUBPART F: ELECTRONIC FILING

## Section

762.1000 Overview of Electronic Filing

762.1010 Acceptable Formats

762.1020 e-Docket Accounts

762.1030 Control Processes

762.1040 Submission of Electronic Documents

762.1045 Electronic Documents Accepted by the Commission

762.1050 Service by Electronic Means

762.1060 Electronic Documents and the Hearing Process

AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Adopted at 21 Ill. Reg. 7129, effective June 1, 1997; emergency amendment at 24 Ill. Reg. \_\_\_\_\_, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 762.30 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, motions, responses, replies, notices, proposed decisions, exceptions to Hearing Examiners' proposed orders, comments, drafts or suggested forms of order, and similar writings.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

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"Electronic record" means a record generated, communicated, received or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 762.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 USC 8-5-E-252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means those persons who submit to the Commission for approval an arbitrated agreement pursuant to Section 252(e) of the Communications Act of 1934 (47 USC 8-5-E-252); or, a person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

**Section 762.100 Communications to the Commission**

All paper documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701 62706. All formal paper communications and documents are deemed to be officially filed or submitted only when delivered to

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the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 762.105 Form of Pleadings and Documents**

a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.

c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 762.120 Filing of Comments**

a) For proceedings subject to this Part that were initiated prior to January 1, 2000, an original and eight ~~11~~ copies of all comments and draft proposed decisions shall be filed with the Commission. Comments shall be concise, and, if in excess of 20 pages, excluding appendices, shall contain:

1a) A table of contents;

2b) A short statement of the case;

3e) A summary of the position of the party filing; and

4d) Argument.

b) For proceedings subject to this Part that were initiated after January 1, 2000, one original document shall be filed with the Commission, subject to the content requirements of subsection (a).

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PRE-DECISIONAL PROCEDURE

**Section 762.200 Pre-decisional Conferences**

Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a pre-decisional conference. Notice



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of the pre-decisional conference shall be given in writing, telephone, e-mail, or telephone facsimile no later than 24 hours before the pre-decisional conference. Such a conference may be held for any purpose, including, but not limited to:

- a) Scheduling;
- b) Identification and simplification of issues;
- c) Amendments to documents; and
- d) Such other matters as may aid in the simplification of the issues and disposition of the proceeding.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 762.210 Intervention**

- a) Petitions to intervene shall contain:

- 1) The name, address, facsimile number, e-mail address, and telephone number of the petitioner seeking leave to intervene;
- 2) A plain and concise statement of the nature of such petitioner's interest;
- 3) A prayer for leave to intervene and be treated as a party to the proceeding.

- b) While a petition for leave to intervene is pending, the Hearing Examiner, in his or her discretion, may permit the petitioner to participate in the proceeding.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 762.220 Protective Orders**

- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

- b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission. An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.

- d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

**SUBPART F: ELECTRONIC FILING**

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**Section 762.1000 Overview of Electronic Filing**

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 762.1010 Acceptable Formats**

- a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

- 1) Microsoft Word for windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.

- b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

- c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 762.1020 e-Docket Accounts**

- a) Each person seeking to file electronic documents must have an active e-Docket account.
- b) The application for an e-Docket account is available on e-Docket on the Commission's web site or can be obtained by calling or e-mailing the e-Docket help desk.

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c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 762.1030 Control Processes**

a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 762.1040 Submission of Electronic Documents**

a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be

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deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.

- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 762.1010(a).

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 762.1045 Electronic Documents Accepted by the Commission**

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 762.1050 Service by Electronic Means**

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 762.130, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.

b) If any party files a proprietary electronic document (see Section 762.220), that party must serve the proprietary electronic document on any other party of record that has the right to see the document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 762.1060 Electronic Documents and the Hearing Process**

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have the copies stamped is eliminated. If any prefiled



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electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Arbitration Practice

2) Code Citation: 83 Ill. Adm. Code 761

3) Section Numbers:  
 761.30 Proposed Action:  
 Amendment  
 761.100 Amendment  
 761.105 New Section  
 761.130 Amendment  
 761.140 Amendment  
 761.200 Amendment  
 761.240 Amendment  
 761.440 Amendment  
 761.1000 New Section  
 761.1010 New Section  
 761.1020 New Section  
 761.1030 New Section  
 761.1040 New Section  
 761.1045 New Section  
 761.1050 New Section  
 761.1060 New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart F that establishes a mechanism for persons to apply for and receive e-Bocket accounts, provides formats for the sending of electronic documents and control processes, and specifies the purposes for which electronic documents may be used in Commission arbitration proceedings.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed within 45 days after the date of this issue of the *Illinois Register* with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield IL 62794-9280  
217/782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures

C) Types of professional skills necessary for compliance: Legal skills

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was not anticipated that the rulemaking would be submitted for First Notice at this time.

The full text of the Proposed Amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 761  
ARBITRATION PRACTICE

## SUBPART A: GENERAL PROVISIONS

Section	
761.10	Procedure Governed
761.20	Deviation from this Part
761.30	Definitions
761.40	Authority of Hearing Examiner
761.50	Federal Preemption of State Court Review
	SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section	
761.100	Communications to the Commission
761.105	Form of Pleadings and Documents
761.110	Filing of Petition for Arbitration
761.130	Contents of Documents
761.140	Copies of Documents
761.150	Service
	SUBPART C: PRE-ARBITRATION PROCEDURE AND DISCOVERY

Section	
761.200	Pre-arbitration Conferences
761.210	Schedule of Pre-arbitration Procedure and Discovery
761.220	Failure to Comply with a Discovery Order or a Subpoena
761.230	Motion to Quash Subpoena
761.240	Protective Orders
	SUBPART D: ARBITRATION PROCEDURE

Section	
761.300	Disqualification of Hearing Examiner
761.310	Arbitration Hearing Procedure
761.320	Transcripts
761.330	Consolidation and Severance
761.340	Information to be Adduced at Arbitration
761.350	Information to be Under Oath or Affirmation
761.360	Stipulation of Facts
761.370	Exhibits
761.380	Ex Parte Communications



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## SUBPART E: POST-HEARING PROCEDURE

Section	Briefs
761.400	Draft Proposed Arbitration Decisions
761.410	Hearing Examiner's Proposed Arbitration Decision
761.420	Exceptions; Reply
761.430	Filing of Briefs
761.440	Oral Argument
761.450	Additional Hearings
761.460	Reopening on Motion of the Commission
761.470	

## SUBPART F: ELECTRONIC FILING

Section	Overview of Electronic Filing
761.1000	Acceptable Formats
761.1010	e-Docket Accounts
761.1020	Control Processes
761.1030	Submission of Electronic Documents
761.1040	Electronic Documents Accepted by the Commission
761.1045	Service by Electronic Means
761.1050	Electronic Documents and the Hearing Process
761.1060	

**AUTHORITY:** Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

**SOURCE:** Emergency rules adopted at 20 Ill. Reg. 8541, effective June 18, 1996, for a maximum of 150 days; emergency rules suspended at 20 Ill. Reg. 14289, effective November 1, 1996; emergency suspension withdrawn at 21 Ill. Reg. 5660, effective May 2, 1997; adopted at 21 Ill. Reg. 6468, effective May 16, 1997; emergency amendment at 24 Ill. Reg. \_\_\_\_\_, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 761.30 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, responses, amended and supplemental petitions, written discovery, responses to discovery, verified

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statements, verified exhibits, depositions, motions, responses, replies, notices, proposed arbitration decisions, exceptions to Hearing Examiners' proposed arbitration decisions, briefs, draft proposed arbitration decisions, and similar writings.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 761.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 USC 8-8-e-252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Party" means any person who initiates a Commission proceeding by filing a petition for arbitration or a person entitled to file a response to a petition for arbitration pursuant to Section 252(b)(3) of the Communications Act of 1934. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part. No other person shall be granted party status or be allowed to intervene.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Petitioner" means a party who, by written petition, applies for or seeks relief through arbitration pursuant to Section 252(b) of the Communications Act of 1934.

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"Pleading" means any petition, motion, reply or response filed in writing with the Commission in an arbitration proceeding.

"Respondent" means a party against whom a petition is filed.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

## Section 761.100 Communications to the Commission

All paper documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701 62706. All formal paper communications and documents are deemed to be officially filed or submitted only when delivered to the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 761.105 Form of Pleadings and Documents

- a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.
- b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.
- c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 761.130 Contents of Documents

- a) All documents submitted in arbitration proceedings before the Commission shall display the docket number of the proceeding.

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Documents initiating a new arbitration proceeding shall leave a space for the docket number. All documents shall also include the full name, address, facsimile number, e-mail address, and telephone number of the person or the representative of the person filing the document.

- b) The original of every document filed with the Commission shall be signed by the party filing the same or by an officer or agent. The factual assertions contained in all documents shall be verified by the filing party before a notary public. The verification shall be in form and substance as follows:

I, \_\_\_\_\_, do on oath depose and state that the facts contained in the foregoing document are true and correct to the best of my knowledge and belief.

## SIGNATURE OF PERSON VERIFYING DOCUMENT

SIGNED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
(year) 199--.

## NOTARY PUBLIC

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 761.140 Copies of Documents

- a) For proceedings initiated prior to January 1, 2000, all Att documents shall be filed with the Chief Clerk in one original and two copies, unless otherwise specified in this Part.
- b) For proceedings initiated after January 1, 2000, the original of any document shall be filed with the Chief Clerk.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PRE-ARBITRATION PROCEDURE AND DISCOVERY

## Section 761.200 Pre-arbitration Conferences

- a) Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a pre-arbitration conference. Notice of the pre-arbitration conference shall be given in writing, telephone, e-mail, or telephone facsimile not later than



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24 hours before the pre-arbitration conference. Such a conference may be held for any purpose, including, but not limited to:

- 1) Scheduling;
- 2) Identification and simplification of issues;
- 3) Amendments to documents;
- 4) Limitations on the number of witnesses;
- 5) The issuance of rulings denying, limiting, conditioning or regulating discovery;
- 6) The issuance of rulings supervising all or any part of any discovery procedure; and
- 7) Such other matters as may aid in the simplification of the issues and disposition of the proceeding.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 761.240 Protective Orders**

a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission. An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.

d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: POST-HEARING PROCEDURE

**Section 761.440 Filing of Briefs**

a) For arbitration proceedings initiated prior to January 1, 2000, an original and eight (8) copies of all briefs shall be filed with the Commission.

b) For arbitration proceedings initiated after January 1, 2000, an original copy of a brief shall be filed with the Commission.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## SUBPART F: ELECTRONIC FILING

**Section 761.1000 Overview of Electronic Filing**

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 761.1010 Acceptable Formats**

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

- 1) Microsoft Word for Windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 761.1020 e-Docket Accounts**

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on

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the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 761.1030 Control Processes**

a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular arbitration proceeding are allowed to file electronic documents in that case.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 761.1040 Submission of Electronic Documents**

a) Persons filing electronic documents shall receive a receipt with an

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identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.

b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 761.1010(a).

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 761.1045 Electronic Documents Accepted by the Commission**

All documents either initiating an arbitration proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 761.1050 Service by Electronic Means**

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 761.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.

b) If any party files a proprietary electronic document (see Section 761.240), that party must serve the proprietary electronic document on any other party of record that has the right to see the document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 761.1060 Electronic Documents and the Hearing Process**

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is



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submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have the copies stamped is eliminated. If any prefiled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Rules of Practice

2) Code Citation: 83 Ill. Adm. Code 200

3) Section Numbers:

200.40	<u>Proposed Action:</u>
200.60	Amendment
200.70	Amendment
200.80	Amendment
200.90	Amendment
200.100	Amendment
200.110	Amendment
200.120	Amendment
200.130	Amendment
200.150	Amendment
200.170	Amendment
200.180	Amendment
200.185	New Section
200.200	Amendment
200.300	Amendment
200.360	Amendment
200.430	Amendment
200.540	Amendment
200.610	Amendment
200.625	Amendment
200.700	Amendment
200.710	Amendment
200.840	Amendment
200.860	Amendment
200.880	Amendment
200.1000	New Section
200.1010	New Section
200.1020	New Section
200.1030	New Section
200.1040	New Section
200.1045	New Section
200.1050	New Section
200.1060	New Section

4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) A Complete Description of the Subjects and Issues Involved: These proposed

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amendments will update obsolete statutory references and update Sections that quote statutory language where such language has changed since adoption of the previous amendment of the Section. This rulemaking amends current Commission rules to allow electronic filing and adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the purposes for which electronic documents may be used in Commission proceedings.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed within 45 days after the date of this issue of the Illinois Register with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield IL 62794-9280  
(217)782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any small businesses, small municipalities and not for profit corporations that are parties in docketed proceedings before the Commission.

B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures

C) Types of professional skills necessary for compliance: Legal skills

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking

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was not included on either of the two most recent agenda because: It was not anticipated that the rulemaking would be submitted for First Notice at this time.

The full text of the Proposed Amendments begins on the next page:



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TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: PROVISIONS APPLICABLE TO  
MORE THAN ONE KIND OF UTILITY

PART 200  
RULES OF PRACTICE

## SUBPART A: GENERAL PROVISIONS

## Section

200.10 Procedure Governed  
200.20 Construction of This Part  
200.25 Standards for Discretion  
200.30 Deviation from This Part  
200.40 Definitions  
200.50 Office  
200.60 Open Meetings  
200.70 Communications to the Commission  
200.80 Computation of Time  
200.90 Appearances  
200.95 Class Actions Prohibited

## SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

## Section

200.100 Contents of Pleadings and Documents  
200.110 Forms of Pleadings and Documents  
200.120 Copies of Pleadings  
200.130 Signature and Verification  
200.140 Amendments  
200.150 Service  
200.160 Informal Complaints  
200.170 Formal Complaints  
200.180 Answers  
200.185 Satisfaction of Complaint  
200.190 Motions  
200.200 Intervention  
200.210 Petition for Rulemaking  
200.220 Declaratory Rulings

## SUBPART C: PREHEARING PROCEDURE AND DISCOVERY

## Section

200.300 Prehearing Conferences  
200.310 Other Prehearing Submissions  
200.320 Facts Disclosed Privileged  
200.330 Recordation and Order

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200.335 Application of Discovery Rules Contained in Sections 200.340 through 200.430

200.340 Policy on Discovery  
200.345 Discovery by Staff Witnesses  
200.350 Reasonable Attempts to Resolve Differences Required  
200.360 Depositions and Other Discovery Procedures  
200.370 Supervision of Discovery  
200.380 Subpoenas  
200.390 Motion to Quash Subpoena  
200.400 Service and Fees Payable  
200.410 Time Limits on Discovery  
200.420 Failure to Comply With a Discovery Order or a Subpoena  
200.430 Protective Orders

## SUBPART D: HEARING PROCEDURE

## Section

200.500 Authority of Hearing Examiner  
200.505 Recessing Hearing For Conference or Discussion  
200.510 Disqualification of Hearing Examiner  
200.520 Interlocutory Review of Hearing Examiner's Ruling  
200.525 Paper Hearings  
200.530 Notice, Time and Place of Hearings  
200.540 Recording Appearances at Hearings  
200.550 Failure to Appear or to Exercise Diligence in Proceeding  
200.560 Continuances  
200.570 Order of Procedure and Receiving Evidence  
200.580 Transcripts  
200.590 Conduct at Hearings  
200.600 Consolidation and Severance  
200.605 Procedure for the Identification and Treatment in Hearings of Confidential or Proprietary Information or a Trade Secret  
200.610 Evidence

200.615 Waiver of Cross-examination  
200.620 Testimony to be Under Oath or Affirmation  
200.625 Examination of Adverse Party or Agent  
200.630 Stipulation of Facts  
200.640 Administrative Notice  
200.650 Records of Other Proceedings  
200.660 Prepared Testimony  
200.670 Exhibits  
200.680 Objections  
200.690 Offer of Proof  
200.700 Record in Commission Proceedings  
200.710 Ex Parte Communications

## SUBPART E: POST-HEARING PROCEDURE

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Section	Briefs
200.800	Draft Orders
200.810	Hearing Examiner's Recommended or Proposed Order
200.820	Exceptions; Reply
200.830	Filing of Briefs
200.840	Oral Argument
200.850	Commission Order
200.860	Additional Hearings
200.870	Post-Record Data
200.875	Rehearing
200.880	Appeals
200.890	Reopening on Motion of the Commission
200.900	

## SUBPART F: ELECTRONIC FILING

Section	Overview of Electronic Filing
200.100	Acceptable Formats
200.1010	e-Docket Accounts
200.1020	Control Processes
200.1030	Submission of Electronic Documents
200.1040	Electronic Documents Accepted by the Commission
200.1045	Service by Electronic Means
200.1050	Electronic Documents and the Hearing Process
200.1060	

**AUTHORITY:** Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

**SOURCE:** Filed and effective January 15, 1960; codified at 8 Ill. Reg. 18459; old rules repealed and new Part adopted at 9 Ill. Reg. 5627, effective April 15, 1985; emergency amendments at 10 Ill. Reg. 1277, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10481, effective May 30, 1986; amended at 18 Ill. Reg. 7748, effective May 15, 1994; amended at 20 Ill. Reg. 10607, effective August 15, 1996; emergency amendment at 24 Ill. Reg. \_\_\_\_\_, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 200.40 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

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"Commission" means the Illinois Commerce Commission.

"Commissioner" means a member of the Commission.

"Complainant" means a person who complains to the Commission by formal written complaint of any acts or things done or omitted to be done in violation, or claimed to be in violation, of the jurisdictional acts or of any order or rule of the Commission.

"Contested case" means any proceeding, not including rate making, rulemaking, quasi-legislative, informational or similar proceedings, where individual legal rights, duties or privileges of a party are required by law to be determined by the Commission after an opportunity for a hearing. [5 ILCS 100/1-30] ~~iii--Rev--Stat--1985--ch-127--par--1003-02--~~ With respect to proceedings under the Public Utilities Act, however, complaint cases initiated pursuant to any section of that Act, investigative proceedings and ratemaking cases shall be considered "contested cases". [220 ILCS 5/10-101] ~~iii--Rev--Stat--1985--ch--iii-2/3--par--10-101~~

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 200.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

"Hearing Examiner" means an employee of the Commission, or a Commissioner, designated by the Commission to conduct hearings and take evidence, who shall have additional powers as are provided by the Electric Supplier Act [220 ILCS 30] ~~iii--Rev--Stat--1985--ch--iii-2/3--par--101-et-seq--~~, the Illinois Commercial Relocation of Trespassing Motor Vehicles Law [625 ILCS 5/Ch. 18A] ~~iiii--Rev--Stat--~~



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1995, ch. 95-1/27, par. 10a-100-et-seq., the Illinois Commercial Transportation Law (ICTL) [625 ILCS 5/Ch. 18C] (1995, ch. 95-1/27, par. 10a-100-et-seq.), the Public Utilities Act [220 ILCS 5] and the Illinois Administrative Procedure Act [5 ILCS 100] (1995, ch. 199-1/27, par. 1001-et-seq.).

1995, ch. 95-1/27, par. 10c-1101-et-seq., the Illinois Commercial Transportation Law (ICTL) [625 ILCS 5/Ch. 18C] (1995, ch. 95-1/27, par. 10c-1101-et-seq.).

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding before the Commission; provided that, in the case of any inquiry, investigation or hearing under the Public Utilities Act on any matter relating to rates or other charges or services within any city, such city may become a party to the proceeding and an intervenor by filing with the Commission a written appearance of its attorney or authorized representative.

"License." A license includes the whole or part of any permit, certificate, approval, registration or similar type of permission required by law. [5 ILCS 100/1-35] (1995, ch. 95-1/27, par. 1003-04.)

"Licensing Proceeding" means the Commission process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license, when required by law to be preceded by notice and opportunity for hearing (1995, ch. 95-1/27, par. 1003-05-and-1006). [5 ILCS 100/1-40]

"Non-party participant" means a person who either through testimony or a statement comments on any matter pending before the Commission. A non-party participant is not an "Intervenor" and does not have the rights of an intervenor. A person need not file a petition to become a non-party participant but must comply with those procedures established by the Hearing Examiner.

"Party" means any person who initiates a Commission proceeding by filing an application, complaint or petition with the Commission, or who is named as a respondent, or who is allowed by the Commission or by statute to intervene in a proceeding. Such a party to a proceeding before the Commission may be an applicant, complainant, intervenor, petitioner or respondent. Staff witnesses are not parties but shall have the specific rights and duties enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Petitioner" or "Applicant" means a party who by written petition or application applies for or seeks relief under any provisions of the

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jurisdictional acts or any order or rule of the Commission and who is not otherwise designated in this Section.

"Pleading" means any application, complaint, motion, petition or answer filed in writing with the Commission in a formal proceeding.

"Public Utilities Act" means the Public Utilities Act (1995, ch. 195-2/37, par. 1-101-et-seq.). [220 ILCS 5]

"Respondent" means a party against whom a complaint or petition is filed, or a party who, by reason of interest in the subject matter of a petition or application or the relief sought therein, is made a respondent, or a party to whom an order is directed by the Commission initiating a proceeding, including public utilities, telecommunications carriers and carriers under the ICTL which have filed tariff schedules that are suspended for investigation by the Commission.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

"Staff witness" means a member of the Commission staff, excluding counsel, who testifies or enters an appearance in a particular proceeding before the Commission. Except for staff witnesses, this definition shall not limit the utilization of Commission staff as technical advisors to the Hearing Examiner or Commission.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.60 Open Meetings

- a) The Commission shall comply with the provisions of the Open Meetings Act [5 ILCS 120].
- b) Emergency meetings may be called by the Chairman or a majority of the Commission. Nothing in this Part shall prohibit the Commission from conducting meetings partially or wholly by means of telecommunications.
- c) The agenda for each regular meeting shall be posted at the Commission's principal office in Springfield, in an area easily accessible to the public, at the earliest practicable date but in no event less than 48 hours prior to the scheduled meeting. Whenever practicable, similar posting of the agenda shall be made in the Commission's offices in Chicago and on the Commission's Web site (<http://www.icc.state.il.us>). A supplemental agenda of matters added subsequent to the initial agenda shall be posted when practicable. Agendas for regular meetings are for information only. Inclusion of

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an item on the agenda shall not require the Commission to consider it, and absence of an item from the agenda shall not preclude the Commission from considering or acting upon it. Notices and agendas may be obtained from the Chief Clerk's office in Springfield and Chicago.

- d) Participation in meetings is limited to Commissioners, Hearing Examiners, and Commission staff other than staff witnesses. Others may participate in Commission meetings on invitation of the Commission except where precluded by Section 200.710. The Commission shall take those actions necessary to permit its deliberations to be conducted in an orderly manner.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.70 Communications to the Commission

- a) All formal written communications and documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701-62766. Petitions, complaints and other filings that initiate a proceeding or petitions for interlocutory review shall be deemed to be officially filed or submitted only when received at the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records. Unless the Public Utilities Act or other applicable statute specifically provides otherwise, or the Hearing Examiner specifically provides otherwise in the interest of a fair hearing, all other formal written communications and documents shall be deemed officially filed or submitted either when received at the principal office of the Commission or:

- 1) if transmitted through the United States mail, shall be deemed filed with or received by the Commission on the date shown by the post office cancellation mark stamped upon the envelope or other wrapper containing it. If transmitted by a private express courier service, shall be deemed filed with or received by the Commission upon delivery to the courier service;
- 2) if mailed or deposited with a private express courier service but not received by the Commission or if received but without a cancellation mark or with the cancellation mark illegible or erroneous, shall be deemed filed with or received by the Commission on the date it was sent or deposited, provided a proof of filing by certificate of attorney, acknowledgment of receipt, or affidavit is provided to the Commission showing that the writing was deposited, properly addressed, in the United States mail or with a private express courier service on or before the date on which it was required or authorized to be filed. In cases in which the writing was mailed or deposited with a private express courier service but not received, the sender must also

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file with the Commission a duplicate writing, within 10 days after notification is given to the person claiming to have sent the writing, of nonreceipt of the writing;

- 3) if a writing is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the writing was mailed. The date of registration, certification or certificate shall be deemed the postmarked date.

- b) In an emergency, upon affidavit specifying the emergency and affirming that no person will be prejudiced, the Chief Clerk or his/her designated representative shall authorize filing in the Chicago office of the Commission.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.80 Computation of Time

*The time within which an Act is to be done as provided in any rule or order promulgated by the Commission shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday then such succeeding day shall also be excluded. [5 ILCS 70/1.11] (Ill.-Rev.-Stat.--1983--ch--17--par-1812)*

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.90 Appearances

- a) Any party may appear by an attorney at law authorized to practice in the State of Illinois; attorneys admitted to practice in states other than Illinois may appear and be heard upon special leave of the Hearing Examiner in particular cases. In determining whether to grant such leave, the Hearing Examiner shall consider, in addition to the goals set forth in Section 200.25, whether the state in which the attorney is admitted to practice grants leave to Illinois attorneys in similar situations.
- b) A natural person may appear in his or her own behalf.
- c) A corporation or association may appear by any bona fide officer, employee or representative. Only persons admitted to practice as attorneys and counsellors at law shall represent others in proceedings before this Commission in any matter involving the exercise of legal skill or knowledge.
- d) When staff witnesses are represented by an attorney, their appearance



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shall be made by their attorney or attorneys. All Commission staff witnesses not represented by counsel, who speak at any hearing, shall enter an appearance.

- e) All persons appearing in proceedings before the Commission shall conform to the standards of conduct of attorneys before the courts of Illinois. These standards are set forth in the Illinois Rules of Professional Conduct [S. Ct. Rules of Prof. Conduct, Art. VIII] ~~Eode of-Professional-Responsibility--(111--Rev--Stat--1985--ch--110A7 Article--VIII)~~. If any person does not conform to such standards, the Hearing Examiner may decline to permit such person to appear in any proceeding.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

## Section 200.100 Contents of Pleadings and Documents

All pleadings and documents in proceedings before the Commission to which a docket number has been assigned shall prominently display the such docket number. Pleadings and documents initiating a new proceeding shall leave a space for the docket number. All pleadings shall also include the following information:

- The full name, address, facsimile number, e-mail address, and telephone number of the person or the representative of the person filing the pleadings.
- A plain and concise statement of any facts upon which the pleadings are based.
- The specific relief sought, which may be in the alternative, including the statutory authority or rule and regulation upon which such relief is sought.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.110 Forms of Pleadings and Documents

- a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches ~~typewritten-or-printed-on paper-cut-or-folded-so-that-the-size-shall-not-exceed-a-width-of-8-1/2 inches-and-a-length-of-11-inches~~ and shall have inside margins of ~~one inch not-less-than-1-1/4-inch-wide~~. All exhibits of a documentary character shall, whenever practical, conform to these ~~said~~ requirements of size and margin. ~~The if-typewritten-the impression shall be on one side of the paper only and shall be double spaced;~~ footnotes and quotations may be single spaced and indented.

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- b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger. Persons filing a formal complaint pursuant to Section 200.170 using the complaint form provided by the Commission may complete the form in handwriting.

- c) Reproductions may be by any process, providing that all copies are clear and permanently legible.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.120 Copies of Pleadings

- a) For dockets initiated before January 1, 2000:

1a) Pleadings shall be filed with the Chief Clerk in one original and two copies, unless otherwise specified in this Part.

2b) Initial pleading in proceedings under the Public Utilities Act shall be filed with the Chief Clerk in one original and three copies.

- b) For dockets initiated after January 1, 2000, only one original shall be filed.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.130 Signature and Verification

The original of every pleading filed with the Commission shall be signed by the party filing the same or by an officer, agent or attorney therefor, provided that petitions filed under Section 7-102 of the Public Utilities Act [220 ILCS 5/7-102] ~~(111--Rev--Stat--1985--ch--111-2/3--par--7-102)~~ shall be signed by the person(s) specified in that Section ~~section~~. The contents of all formal complaints, petitions, applications, petitions to intervene, supplemental formal complaints and supplemental petitions shall be verified by the filing party before a notary public.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.150 Service

- Formal complaints will be served by the Commission only.
- Petitions, applications, answers, intervening petitions, supplemental complaints and petitions, amendments to pleadings, written motions, responses, replies, notices, suggested findings of fact and conclusions of law, exceptions to Hearing Examiners' proposed orders, briefs, drafts or suggested forms of order, applications for further hearing, petitions for rehearing, and similar documents shall be filed

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with the Chief Clerk of the Commission and shall be served by the person filing same upon all parties to the proceeding and upon Staff and the Hearing Examiner, if any, and, when filed, shall be accompanied by proof of service upon all parties. In addition, any person filing a petition under Section 8-406 of the Public Utilities Act [220 ILCS 5/8-406] for a certificate of public convenience and necessity to serve as a water or sewer public utility shall serve a written copy of the petition on each municipality which is located partly or wholly within the area proposed to be certificated, or whose corporate boundary lies within 1 1/2 miles of such area.

c) Service of paper documents. Except as otherwise provided in this Subpart or by the Commission or the Hearing Examiner, service of paper documents shall be made by delivering in person or by depositing in the United States mail, properly addressed with first class postage prepaid, or by depositing with a private express courier service, properly addressed with charges prepaid or payment arrangements made, one copy to each person entitled thereto. Service by mail is effective upon mailing; service by a private express courier service is effective upon delivery to the private express courier service. Service of petitions for interlocutory review shall be effective upon receipt by the party served. When staff witnesses or any party or parties have appeared by an attorney, service upon the attorney shall be deemed service upon such persons. Notices under the ICTL shall be served as provided in Sections 18c-1801 and 18c-1802 of that statute [225 ILCS 5/18c-1801 and 18c-1802]. Service is effective on a public utility, telecommunications carrier, carrier under the ICTL or other entity regulated by the Commission, if mailed to the last address on file with the Commission. Except as otherwise provided by the Commission or the Hearing Examiner, whenever Staff or a party has the right or is required to do some act within a prescribed period after the service of a notice or other document upon Staff or the party, and the notice or other document is served upon Staff or the party by mail, four days shall be added to the prescribed period.

d) Proof of service of any paper document shall be by certificate of attorney, acknowledgement of receipt, or affidavit, except that proof of service on the Commission is made pursuant to Section 200.70.

e) In any proceeding involving more than four parties, the Chief Clerk shall prepare and disseminate to all parties a service list showing the name and address and any e-mail address of each person entitled to service. Parties shall be required to update their service lists to insure the inclusion of all parties during the course of the proceeding. Updated service lists may be obtained from the Chief Clerk's office.

f) In any application, petition, or complaint that initiates a "Contested Case" or a "Licensing Proceeding" as defined in Section 200.40, the Commission shall serve notice the applicant, petitioner or complainant shall provide, at the time of filing a petition, application or complaint, notice in a form prescribed by the Commission. The notice

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shall provide:

- 1) A statement of the time, place, and nature of the hearing;
- 2) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- 3) A reference to the particular Sections of the substantive and procedural statutes and rules involved;
- 4) Except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or other reference number;
- 5) The names and mailing addresses of the Hearing Examiner, all parties, and all other persons to whom the Commission gives notice of the hearing unless otherwise confidential by law. [5 ILCS 100/10-25(a)]; and
- 6) A copy of the complaint, in proceedings initiated under Section 10-108 of the Public Utilities Act [220 ILCS 5/10-108].
- 7) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- 8) A reference to the section of the statute or rule involved;
- 9) A plain and concise statement of the matters asserted; and
- 10) A space for the time and location of a hearing scheduled in the proceeding [5 ILCS 100/10-25(a)].

5) A copy of the complaint, in proceedings initiated under Section 10-108 of the Public Utilities Act [220 ILCS 5/10-108].

g) The Commission shall serve the notice provided by subsection (f) by personal delivery or registered or certified mail. Notice of any additional hearings or other notices mailed by the Commission shall be by regular United States mail or as otherwise provided by the Hearing Examiner.

h) A person filing an application under Section 8-406 of the Public Utilities Act, as amended, for a Certificate of Public Convenience and Necessity to construct facilities upon or across privately owned tracts of land, or filing under Section 8-503 of that Act [220 ILCS 5/8-503], shall include with the attach to such application when filed with the Commission a list containing the name and address of each owner of record of the such land as disclosed by the records of the tax collector of the county in which the wherein such land is located, as of not more than thirty-30 days prior to the filing of the such application. The Commission shall notify the such owners of record of the time and place scheduled for the initial hearing upon the such application. The foregoing provisions for notice to owners of record shall not be deemed jurisdictional and the omission of the name and address of an owner of record from the such list or lack of notice shall in no way invalidate a subsequent order of the Commission relating to the said application.

i) When Where a person files an application under Section 8-503 or 8-406 of the Public Utilities Act, the requirements of subsection (h) Section 200.150(h) above shall apply only if the such application



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requests a certificate of authority to construct particular facilities at specified locations and shall apply only with respect to the such construction.

j) When ~~where~~ a person files an application under both Section 8-406 of the Public Utilities Act and under the Gas Storage Act [220 ILCS 15], the utility's compliance with the notice requirements of the Gas Storage Act will be deemed to be in compliance with the requirements set forth in subsection (b) ~~Section-200-150(f)~~ above.

k) Persons filing applications under the ICTL that ~~which~~ are subject to the service and notice requirements of Section 18c-4201 of that Law [625 ILCS 5/18c-4201] shall comply with the requirements of that Section and the rules of the Commission issued under that Section ~~thereunder~~.

l) Persons filing applications under the Illinois Commercial Relocation of Trespassing Vehicles Law who are subject to the service and notice requirement of Section 18a-400(c) of that Law [625 ILCS 5/18a-400(c)] shall comply with the requirements of that Section and the rules of the Commission issued under that Section ~~thereunder~~.

m) Persons subject to the Electric Supplier Act [220 ILCS 30] shall comply with any and all service and notice requirements under that Act.

n) The Commission or the Hearing Examiner may require notice in addition to that set forth in this Section.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.170 Formal Complaints

A formal complaint shall be in writing and verified, and an original ~~and two copies (three copies in complaints filed under the Public Utilities Act) of the complaint and notice pursuant to Section-200-150(f)~~ shall be filed with the Commission, together with as many additional copies as there are parties complained against, and shall set forth the following:

a) The name, address, facsimile number, e-mail address, and telephone number of each complainant and the complainant's attorney, if any.

b) The name and address of each respondent.

c) A plain and concise statement of the nature of each complainant's interest and the acts or things done or omitted to be done in violation, or claimed to be in violation, of any statute, or of any order or rule of the Commission.

d) If the complainant alleges a violation of 83 Ill. Adm. Code 280 or 735, the complaint shall contain a Statement of Compliance with 83 Ill. Adm. Code 280.170 or 83 Ill. Adm. Code 735.200, whichever is applicable.

e) The particular relief desired.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 200.180 Answers

a) Whenever the Hearing Examiner issues a ruling that a complaint provides a clear statement on the subject matter, scope of complaint, and basis thereof, answers to formal complaints shall be filed with the Commission within 21 days after the date on which the Commission serves notice of the Hearing Examiner's ruling upon the respondent, unless otherwise ordered. If any respondent fails to file an answer, when required under this Section, allegations of fact as to such respondent will be considered admitted. If respondent does not file an answer when no filing requirement exists, issue as to the such respondent will be considered joined. Answers shall contain an explicit admission or denial of each allegation of the pleading to which they relate and a concise statement of the nature of any defense.

b) Answers to formal applications and petitions shall be filed with the Commission within 21 days after the date on which the such applications or petitions are served upon the respondent, unless otherwise ordered. If any respondent fails to file an answer, issues as to the such respondent will be considered joined. Answers shall contain an explicit admission or denial of each allegation of the pleading to which they relate and a concise statement of the nature of the defense.

c) The original of an answer to a verified pleading shall be verified.

d) Answers to petitions for intervention and to amended or supplemental pleadings need not be made unless the party so elects; and, in case answers are not made, the issue will be considered joined. Such answers, if made, shall conform to the requirements of subsections (b) and (c) of this Section, however, such answers shall be filed within 14 days, unless otherwise prescribed by the Hearing Examiner.

e) ~~If a respondent satisfies a formal complaint during the pendency of the proceeding, a stipulation signed by all parties or those parties for whom the complaint was satisfied requesting the dismissal of the complaint shall be filed with the Commission. If made at a hearing, such stipulation may be oral.~~

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.185 Satisfaction of Complaint

If a respondent satisfies a formal complaint during the pendency of the proceeding, a stipulation signed by all parties or those parties for whom the complaint was satisfied requesting the dismissal of the complaint shall be filed with the Commission. If made at a hearing, such stipulation may be oral.

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(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 200.200 Intervention**

- a) Petitions to intervene shall contain:
- 1) The name, address, facsimile number, e-mail address, and telephone number of the petitioner seeking leave to intervene;
  - 2) A plain and concise statement of the nature of the such petitioner's interest;
  - 3) A prayer for leave to intervene and be treated as a party to the proceeding; and
  - 4) If affirmative relief is sought, specific prayers for that such relief, which may be in the alternative.
- b) While a petition for leave to intervene is pending, the Hearing Examiner, in his or her discretion, may permit the petitioner to participate in the proceeding.
- c) Petitions to intervene shall be granted or denied by the Hearing Examiner, subject to Section 200.520.
- d) In order to promote efficiency, the Hearing Examiner may require parties to state whether they will be active or not active in the proceeding. If a party fails to respond in the manner designated by the Hearing Examiner within 14 days, the party shall be deemed to be a non-active party. Active parties shall not be required to serve non-active parties with copies of testimony, data requests, pleadings and briefs. However, non-active parties shall be entitled to receive notices and orders served by the Commission. A party may change its designation at any time in the proceeding by filing a notice with the Chief Clerk and serving all parties. If a non-active party has changed its status to active, upon receipt of the notice from the party, all other active parties shall serve that party with all subsequently filed testimony, pleadings and briefs. A party's change in status shall not serve as the basis for delay or a modification of the procedural schedule in the case.
- e) Except for good cause shown, an intervenor shall accept the status of the record as the same exists at the time of the beginning of that person's intervention. Subject to Section 200.850, any intervenor shall be allowed to comment in briefs and oral arguments on any matter addressed in the proceeding, whether before or after his intervention; and such intervenor shall be bound by rulings and orders theretofore entered.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PREHEARING PROCEDURE AND DISCOVERY

**Section 200.300 Prehearing Conferences**

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- a) The Hearing Examiner, on his or her own motion, upon motion by any party or staff witness, or when directed by the Commission, shall with reasonable written notice request all parties and staff witnesses to attend a prehearing conference when it appears that any of the goals set forth in subsections (a)(1) through (a)(7) of this Section can be attained. Such a conference shall be held for the purpose of formulating issues and considering:
- 1) Simplification of issues;
  - 2) Amendments to the pleadings;
  - 3) The development of docket-specific discovery schedules and procedures to facilitate the prompt and efficient resolution of the proceeding;
  - 4) The possibility of obtaining admissions of fact and of the genuineness of documents which will avoid unnecessary proof;
  - 5) Limitations on the number of witnesses;
  - 6) The procedure at the hearing; and
  - 7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.
- b) Except where the Illinois Administrative Procedure Act [5 ILCS 100] provides otherwise, the Hearing Examiner may on his or her own motion, on motion of any party or staff witness, or when directed by the Commission, with written notice to all parties and Staff witnesses, initiate an informal discussion whenever it appears that a mechanism less formal than a hearing might be useful in resolving any issue in a proceeding.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 200.360 Depositions and Other Discovery Procedures**

- a) The Commission, any Commissioner, the Hearing Examiner or any party may, in any investigation or hearing before the Commission, cause the deposition of witnesses residing within or without Illinois to be taken in the manner prescribed by law for like depositions in civil actions in the Courts of Illinois and to that end may compel the attendance of witnesses and the production of papers, books, accounts and documents. [220 ILCS 5/10-106] {iii-Rev-Stat-1985-ch-111-2/37 par--19-1967- Except under special circumstances and for good cause shown, no deposition may be taken except upon 14 days prior notice to all parties and staff witnesses.
- b) Payment of witness and mileage fees shall be as provided by Section 10-106 of the Public Utilities Act. [220 ILCS 5/10-106] {iii-Rev-Stat-1985-ch-111-2/37 par--19-1967-}
- c) In addition to depositions, and subject to the provisions of this Part, any party may utilize written interrogatories to other parties, requests for discovery or inspection of documents or property and other discovery tools commonly utilized in civil actions in the





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except in cases that which are not contested cases or licensing proceedings and that which do not arise under the Public Utilities Act;

- 8) Any briefs, proposed orders and exceptions thereto which have been filed by the parties;
  - 9) Orders and opinions of the Commission; and
  - 10) Any communications prohibited by Section 200.710, but such communications shall not form the basis for any finding of fact. [5 ILCS 100/10-35] (iii--Rev--Stat--1985--ch--127--par--1011).
- b) Notwithstanding the provisions of subsection (a), no matter coming within attorney-client privilege shall be included in the record in a contested case or licensing proceeding.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.710 Ex Parte Communications

a) Unless waived by written stipulation of the parties in the proceeding as provided by Section 10-70 of the Illinois Administrative Procedure Act [5 ILCS 100/10-70] (iii--Rev--Stat--1991--ch--127--par--1010-70), once notice of hearing has been given in a contested case or licensing proceeding, Commissioners, Commission employees and Hearing Examiners shall not communicate directly or indirectly with:

- 1) Any party to the proceeding on any issue in the proceeding; or
  - 2) A party's representative on any issue in the proceeding; or
  - 3) Any other person concerning an issue of fact in the proceeding;
- without notice and opportunity for all parties to participate.

b) The following communications are not subject to subsection (a) of this Section:

- 1) Communications between Commission employees who are engaged in investigatory, prosecutorial or advocacy functions and other parties to the proceeding, provided that such Commission employees are still prohibited from communicating on an ex parte basis, as designated in subsection (a), directly or indirectly, with members of the Commission, any Hearing Examiner in the proceeding, or any Commission employee who is or may reasonably be expected to be involved in the decisional process of the proceeding (this language derived from Section 10-103 of the Public Utilities Act [220 ILCS 5/10-103] (iii--Rev--Stat--1985--ch--127--par--1010-70) and applies only to proceedings under that Act);

- 2) Communications between a Commissioner and other Commissioners, and between a Commissioner or hearing examiner and one or more personal assistants. [5 ILCS 100/10-60] (iii--Rev--Stat--1985--ch--127--par--1010-70)

c) Any Commissioner, Hearing Examiner, or other Commission employee who is or may reasonably be expected to be involved in the decisional

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process of a proceeding, who receives, or who makes or knowingly causes to be made, a communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act as modified by Section 10-103 of the Public Utilities Act [220 ILCS 5/10-103] shall place on the public record of the proceeding:

- 1) All such written communications;
- 2) Memoranda stating the substance of all such oral communications; and
- 3) All written responses and memoranda stating the substance of all oral responses to the materials described in subsections (c)(1) and (2). [220 ILCS 5/10-103]

When--a-Commissioner--a-hearing-examiner--a-commission-employee-or-a party-becomes-aware-that--he-or-she--has-received-or--has-made--a prohibited-communication--the-communication-shall-be-disclosed-by-him--her-or-them-by-placing-in-the-record  
 1) any-and-all-written-communications;  
 2) a-memorandum-stating-the-substance--of--any-and-all-such-oral communications--and

3) any-and-all-written-responses-and-memoranda-stating-the-substance of-any-and-all-oral-responses--to--the-materials--described--in subsections-(c)(1)-and-(c)(2).

d) The material specified in subsection (c) shall be disclosed to the parties of record by:

- 1) service on the parties at the next hearing; or
- 2) if no hearing is scheduled within the next seven days, service by mail on all parties of record.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: POST-HEARING PROCEDURE

## Section 200.840 Filing of Briefs

- a) For proceedings initiated prior to January 1, 2000, an original and eight (8) copies of all briefs shall be filed with the Commission.
- b) For proceedings initiated after January 1, 2000, an original of the brief shall be filed with the Commission.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.860 Commission Order

Following receipt of the proposed order of the Hearing Examiner and any briefs of the parties, and following oral argument, if any, the Commission shall make its decision and shall serve a copy of its order upon all parties in the manner provided by Section 10-112 of the Public Utilities Act [220 ILCS 5/10-112]



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~~(iii--Rev--Stat--1985--ch--111-2/37--par--10-112).~~

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.880 Rehearing

a) After issuance of an order on the merits by the Commission, a party may file an application for rehearing. The application shall state the reasons therefore and shall contain a brief statement of proposed additional evidence, if any, and an explanation why such evidence was not previously adduced. The application shall be filed within 30 days after service of the order on the party.

1) For proceedings initiated prior to January 1, 2000, an original and eight copies of the application shall be filed with the Commission;

2) For proceedings initiated after January 1, 2000, an original of the application shall be filed with the Commission.

b) Applications for rehearing must state with specificity the issues for which rehearing is sought. Incorporation of arguments made in prior pleadings and briefs must be specific as to document and page.

c) If an application for rehearing alleges new facts, then the application must be filed with a verification. A verification need not be filed with an application for rehearing if the application does not allege new facts.

d) No appeal shall be allowed from any order or decision of the Commission unless and until an application for rehearing thereof shall first have been filed and finally disposed of by the Commission. The Commission shall grant or deny the such application in whole or in part within 20 days from the date of receipt by the Commission.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: ELECTRONIC FILING

## Section 200.1000 Overview of Electronic Filing

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to the Commission's Rules of Practice. The Commission

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has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.1010 Acceptable Formats

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

- 1) Microsoft Word for Windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.1020 e-Docket Accounts

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length.

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Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

- f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 200.1030 Control Processes**

- a) e-Docket allows only users with I.D. and passwords to file electronic documents.
- b) Only members of the service list for a particular docketed case are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.
- c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.
- d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.
- e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 200.1040 Submission of Electronic Documents**

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.
- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 200.1010(a).
- c) For dockets initiated after January 1, 2000, the requirement for the

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filing of multiple copies of documents is satisfied by the filing of a complete electronic version of a document.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 200.1045 Electronic Documents Accepted by the Commission**

All documents either initiating a docketed proceeding or filed in a docketed proceeding may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 200.1050 Service by Electronic Means**

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 200.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.
- b) If any party files a proprietary electronic document (see Section 200.430), that party must serve the proprietary electronic document on any other party of record that has the right to see the document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 200.1060 Electronic Documents and the Hearing Process**

If any electronic document is offered and received at a hearing in a docketed proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is submitted without alteration at hearing, the requirements of Section 200.670 to offer multiple copies at hearing and to have the copies stamped are eliminated. If any prefiled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



ILLINOIS COMMERCE COMMISSION  
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\_\_\_\_\_ )

ILLINOIS COMMERCE COMMISSION  
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- 1) Heading of the Part: Telecommunications Enforcement
- 2) Code Citation: 83 Ill. Adm. Code 766
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
766.11	New Section
766.12	New Section
766.20	Amendment
766.30	New Section
766.1000	New Section
766.1010	New Section
766.1020	New Section
766.1030	New Section
766.1040	New Section
766.1045	New Section
766.1050	New Section
766.1060	New Section
- 4) Statutory Authority: Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart E that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the purposes for which electronic documents may be used in Commission proceedings in which telecommunications carriers are subject to enforcement actions for the alleged specified violations of the Public Utilities Act.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed within 45 days after the

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date of this issue of the *Illinois Register* with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield IL 62794-9280  
(217)782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance:  
Filing procedures

C) Types of professional skills necessary for compliance: Legal skills

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was not anticipated that the rulemaking would be submitted for First Notice at this time.

The full text of the Proposed Amendments begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 766  
TELECOMMUNICATIONS ENFORCEMENT

SUBPART A: APPLICABILITY AND PRELIMINARY PROCEDURES

Section

766.10 Applicability  
766.11 Definitions  
766.12 Form of Pleadings and Documents  
766.15 Waiver of Time Limits  
766.20 Intervention  
766.25 Interlocutory Review Not Allowed  
766.30 Protective Orders

SUBPART B: EMERGENCY RELIEF PROCEDURES

Section

766.100 Waiver of Emergency Time Limits  
766.110 Emergency Relief Filing Requirements

SUBPART C: PROCEDURE PRIOR TO ISSUANCE OF ORDER

Section

766.300 Filing of Briefs  
766.310 Filing of Draft Orders

SUBPART D: ASSESSMENT OF COSTS AND IMPOSITION OF PENALTIES

Section

766.400 Assessment of Costs  
766.410 Procedure for Imposition of Penalties  
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SUBPART E: ELECTRONIC FILING

Section

766.1000 Overview of Electronic Filing  
766.1010 Acceptable Formats  
766.1020 e-Docket Accounts  
766.1030 Control Processes  
766.1040 Submission of Electronic Documents  
766.1045 Electronic Documents Accepted by the Commission  
766.1050 Service by Electronic Means



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766.1060 Electronic Documents and the Hearing Process

**AUTHORITY:** Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

**SOURCE:** Emergency rules adopted at 21 Ill. Reg. 13180, effective September 11, 1997, for a maximum of 150 days; adopted at 22 Ill. Reg. 3460, effective February 1, 1998; emergency amendment at 24 Ill. Reg. \_\_\_\_\_, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: APPLICABILITY AND PRELIMINARY PROCEDURES

Section 766.11 Definitions

The following terms as used in this Part shall have the following meanings:

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 766.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 766.12 Form of Pleadings and Documents

- a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside

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margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.

- b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.  
c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 766.20 Intervention

- a) Intervention in any proceeding brought pursuant to Section 13-515 of the Act will be allowed only upon a showing that the entity filing a petition to intervene is in the same position as either the complainant or the respondent in the proceeding in which it is attempting to intervene.

- b) An intervenor shall be subject to any waivers of time limits agreed to by the complainant, the respondent, and the Commission.

- c) An intervenor shall be subject to any schedule that has been established prior to its intervention.

- d) A petition to intervene shall contain:

- 1) The name, address, facsimile number, e-mail address, and telephone number of the petitioner seeking leave to intervene;
- 2) A plain and concise statement of the nature of such petitioner's interest;
- 3) A prayer for leave to intervene and be treated as a party to the proceeding.

- e) A petition to intervene shall not contain any prayer for affirmative relief other than that contained in the initiating complaint in the proceeding.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 766.30 Protective Orders

- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

- b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified,

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- the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.
- c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
- d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: ELECTRONIC FILING

**Section 766.1000 Overview of Electronic Filing**

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with state and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 766.1010 Acceptable Formats**

- a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:
- 1) Microsoft Word for Windows, version 6.0 and greater;
  - 2) Corel WordPerfect for Windows, version 6.0 and greater;
  - 3) Microsoft Excel for Windows, version 4.0 and greater;
  - 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
  - 5) ASCII Text;
  - 6) Adobe Acrobat 2.0 and greater.
- b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.
- c) The Commission encourages persons to submit electronic documents in

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PDF.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 766.1020 e-Docket Accounts**

- a) Each person seeking to file electronic documents must have an active e-Docket account.
- b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.
- c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 766.1030 Control Processes**

- a) e-Docket allows only users with I.D. and passwords to file electronic documents.
- b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.
- c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.



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- d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.
- e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 766.1040 Submission of Electronic Documents**

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.
- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 766.1010(a).

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 766.1045 Electronic Documents Accepted by the Commission**

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 766.1050 Service by Electronic Means**

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding any other requirements of this Part, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail or in hand service. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.
- b) If any party files a proprietary electronic document (see Section

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766.30), that party must serve the proprietary electronic document on any other party of record that has the right to see the document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 766.1060 Electronic Documents and the Hearing Process**

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefilled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have the copies stamped is eliminated. If any prefilled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Alternate Fuels Program

2) Code Citation: 35 Ill. Adm. Code 275

3) Section Numbers: Proposed Action:  
 275.120 Amend  
 275.230 Amend  
 275.250 New

4) Statutory Authority: Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 30].

5) A Complete Description of the Subjects and Issues Involved: Section 15 of the Alternate Fuels Act originally required the Illinois EPA to adopt rules implementing the Alternate Fuels Rebate Program. The proposed amendments serve two purposes. First, rebates will be processed in a more timely manner with the added requirement of submitting proof of payment with the application. The Illinois Comptroller's Office requires proof of payment before disbursement of funds. By requiring proof of payment to be submitted with the application, this will make the process more efficient. Further, in order to provide a less costly and more timely manner for applicants to resolve any dispute that may arise from this rebate program than litigation, these amendments would create an appeal mechanism whereby an applicant can appeal a denial of a rebate or a modification of the amount requested to the Director of the Agency.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment, contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: These proposed amendments are required by the Alternate Fuels Act and do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Environmental Protection Agency will accept written public comment on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Comments should reference the Alternate Fuels Rebate Program and be addressed to:

Robert A. Messina  
 Assistant Counsel

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Illinois Environmental Protection Agency  
 Division of Legal Counsel  
 1021 North Grand Avenue East  
 P.O. Box 19726  
 Springfield, Illinois 62794-9276  
 217/782-5544  
 217/782-9143 (TDD)

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not change the manner in which these entities were affected by the original rule. The anticipated effect on the above entities from the rule is expected to be positive. Small businesses receive priority for the rebates. Municipalities that are subject to the Energy Policy Act, which requires they purchase alternate fuel vehicles, now have an opportunity to offset some of the compliance costs.
- B) Reporting, Bookkeeping or other procedures required for compliance: These amendments require the owner to keep records of payments made in the amount of the rebate requested. The rule already requires that, once approved for a domestic renewable fuel rebate, the owner must keep records of fuel purchases.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: As these amendments were not anticipated by the Agency, they were not summarized in any Regulatory Agenda.

The full text of the Proposed Amendments begins on the next page:



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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 275  
ALTERNATE FUELS PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section	Purpose
275.100	Purpose
275.110	Other Definitions
275.120	Definitions
275.130	Abbreviations
275.140	Incorporations by Reference

## SUBPART B: REBATES

Section	Eligibility
275.200	Alternate Fuel Vehicles and Rebates
275.210	Fuel Cost Differential Rebate
275.220	Applications
275.230	Agency Action
275.240	Appeal of Agency Denial or Modification
275.250	

## APPENDIX A Annual Fuel Cost Differential For LDVs

AUTHORITY: Implementing and authorized by Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 30].

SOURCE: Adopted at 21 Ill. Reg. 7150, effective May 29, 1997; amended at 23 Ill. Reg. 11916, effective September 13, 1999; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscripts are denoted by brackets.

## SUBPART A: GENERAL PROVISIONS

## Section 275.120 Definitions

"Alternate fuel" means liquefied petroleum gas, natural gas, E85 blend fuel, fuel composed of a minimum 80% ethanol or 80% bio-based methanol, fuels derived from 80% biomass, or electricity.

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"Alternate fuel vehicle" means any motor vehicle or engine that meets a federal or CARB emission standard, or meets the federal anti-tampering provisions pursuant to USEPA Memorandum 1A, incorporated by reference at Section 275.140 of this Subpart, is capable of using an alternate fuel, and is operated in the State of Illinois.

"Conventional", when used to modify the word "vehicle", "engine", or "fuel", means gasoline or diesel or any reformulations of those fuels. [415 ILCS 120/10]

"Covered area" means the counties of Cook, DuPage, Kane, Lake, McHenry, and Will and those portions of Grundy County and Kendall County that are included in the following zip code areas, as designated by the U.S. Postal Service on August 7, 1998: 60416, 60444, 60447, 60450, 60481, 60538, and 60543.

"Domestic renewable fuel" means a fuel produced in the United States composed of a minimum 80% ethanol or 80% bio-based methanol, or other fuels derived from 80% biomass.

"E85 blend fuel" means fuel that contains 85% ethanol and 15% gasoline. [415 ILCS 120/10]

"Federal low emission standard" means the low emission vehicle (LEV), ultra-low emission vehicle (ULEV), zero emission vehicle (ZEV), or inherently low emission vehicle (ILEV) standard, as set forth in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

"Gross Vehicle Weight Rating (GVWR)" means the total vehicle weight, including the maximum load, as designated by the original equipment manufacturer.

"Heavy-duty vehicle (HDV)" means a motor vehicle whose GVWR is more than 8,500 lbs.

"Inherently Low Emission Vehicle (ILEV)" means any LDV certified to the applicable ILEV evaporative emission standard found in 40 CFR 88, incorporated by reference at Section 275.140 of this Subpart, or any HDV with an engine certified to the applicable ILEV standard. No dual fueled or flexible fueled vehicle shall be considered an ILEV unless it is certified to the applicable standard(s) (i.e., LEV, ULEV or ZEV) for such weight class on all fuel types for which it is designed to operate.

"Light-duty vehicle (LDV)" means a motor vehicle whose GVWR is no more than 8,500 lbs.

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"Location" means a parcel of real property or multiple, contiguous parcels of real property that are separated by private roadways, public roadways, or private or public rights-of-way and are owned, operated, leased, or under the common control of one party. [415 ILCS 120/10]

"Low Emission Vehicle (LEV)" means any LDV, or any HDV with an engine certified to the applicable federal low emission vehicle standard in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

"Owner" means any person who has legal or equitable title to a motor vehicle.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, state, municipality, political subdivision of a state, any agency, department, or instrumentality of the United States, and any officer, agent or employee of any of the above.

"Private fueling operation" means any activity where alternate fuel is transferred from a stationary or mobile source to a fuel storage system used to provide fuel to the engine or motor of that vehicle where such fuel is not available to the public.

"Proof of payment" means a copy of a cancelled check, an invoice or bill showing that the applicable amount has been paid or that no remaining balance exists, or other appropriate proof that payment has been made in the amount of the rebate requested.

"Public fueling operation" means any site where alternate fuel is transferred from a stationary source to a fuel storage system used to provide fuel to the engine or motor of that vehicle, and is a retail operation.

"Retail" means to sell directly to the ultimate consumer in small quantities (e.g., gallons) and deliver fuel to a fuel storage system used to provide fuel to the engine or motor of a vehicle.

"Small fleet owner" means a person who owns or operates no more than 30 motor vehicles and employs 100 or fewer employees.

"Ultra Low Emission Vehicle (ULEV)" means any LDV, or any HDV with an engine certified to the applicable federal ultra low emission vehicle standard in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

"Zero Emission Vehicle (ZEV)" means any LDV, or any HDV certified to

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the applicable federal zero emission vehicle standard in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: REBATES

## Section 275.230 Applications

To apply for a rebate, owners of alternate fuel vehicles must provide the Agency with the information listed in subsections (a) and (e) of this Section and the information from either subsection (b), (c) or (d) of this Section.

a) Applications for a conversion, OEM or fuel cost differential rebate must include the following information:

- 1) For each alternate fuel vehicle:
  - A) The make, model and year of manufacture;
  - B) The date of vehicle acquisition or conversion;
  - C) The vehicle identification number (VIN);
  - D) The license plate number and the state of registration;
  - E) The emission standard(s) to which the alternate fuel vehicle is certified (e.g., conventional, LEV, ULEV, ZEV or ILEV) and the certifying agent (e.g., USEPA, CARB, or the Conversion System Manufacturer to Memorandum No. 1A, incorporated by reference in Section 275.140 of this Part);
  - F) The alternate fuel for which the vehicle is certified to meet the requirements of Section 275.210(c) or (d) of this Subpart;
  - G) For LDVs, the 8-character alpha numeric bar-coded vehicle emission configuration number assigned by the manufacturer and imprinted on vehicles manufactured on or after MY 1993;
  - H) The GVWR of the vehicle; and
  - I) Whether the vehicle will be primarily fueled at a public or a private fueling operation.
- 2) The amount of the rebate being requested and documentation as required by either subsection (b), (c) or (d) of this Section, demonstrating that the costs were actually incurred and how the rebate amount was calculated.
- b) Applicants for an OEM alternate fuel vehicle rebate, in addition to the information required by subsections (a) and (e) of this Section, must provide the following:
  - 1) A copy of the sales invoice showing the purchase price of the alternate fuel vehicle; and
  - 2) Documentation from the retailer indicating the retail cost or sticker price of a conventional fuel vehicle that is the same make, model, equipment and year as the alternate fuel vehicle or engine purchased for which a rebate is being sought under this Part; and-



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- 3) Proof of payment.
- c) Applicants for a conversion alternate fuel vehicle rebate, in addition to the information required by subsections (a) and (e) of this Section, must provide:
- 1) The name and address of the person(s) performing the conversion;
  - 2) A statement that the motor vehicle was converted in accordance with the applicable requirements of Section 275.210(a) of this Subpart; and
  - 3) A copy of the conversion invoice showing the cost of the conversion; and
- 4) Proof of payment.
- d) Applicants for a fuel cost differential rebate, in addition to the information required in subsections (a) and (e) of this Section, must provide:
- 1) For the first year:
    - A) For LDVs using methanol or ethanol, the name of the primary fuel supplier(s), the number of gallons of domestic renewable fuel purchased, and number of miles driven that calendar year; and
    - B) For alternate fuel LDVs using biomass fuels and any alternate fuel HDV, the name of the primary fuel supplier(s), the name of the domestic renewable fuel, the number of miles to the gallon for the domestic renewable fuel, the number of miles to the gallon for the conventional fuel, the cost per gallon of the domestic renewable fuel, the cost per gallon of the conventional fuel, and the number of miles driven that calendar year; and
  - 2) For the second and third years, the owner must annually certify, once approved, that the owner still owns and operates the alternate fuel vehicle, has purchased domestic renewable fuel, and that domestic renewable fuel was used for more than one-half of the miles driven in that calendar year. The statement must be signed by the owner, and must be submitted to the Agency no more than 30 days after the anniversary date of the rebate; and
- 3) Proof of payment.
- e) In addition to the information required in subsection (a) of this Section and either subsection (b), (c) or (d) of this Section, all applications submitted to the Agency must include the following:
- 1) The name, address, and phone number of the owner;
  - 2) If the applicant is not an individual:
    - A) The name of the entity, mailing address and location of records if they are different from the information reported in subsection (e)(1) of this Section;
    - B) The number of employees; and
    - C) The FEIN number;
  - 3) The number of motor vehicles owned;
  - 4) The primary location(s) of the vehicles;
  - 5) The name, address and social security number of the payee for the

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- rebate; and
- 6) The signature of the owner.
  - f) Applications for costs incurred during calendar years 1997, 1998, 1999, 2000, 2001, and 2002 that meet the requirements of this Section and Section 275.210 of this Subpart must be submitted by December 31 of that calendar year, but if the cost was incurred in December then the applications must be submitted by January 31 of the following year. Applications for costs incurred during calendar years 1997, 1998, 1999, 2000, and 2001 that meet the requirements of this Section and Section 275.220 of this Subpart must be submitted by December 31 of that calendar year, but if the cost was incurred in December then the application must be submitted by January 31 of the following year.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 275.250 Appeal of Agency Denial or Modification

- a) An applicant whose application for a rebate has been denied by the Agency, or whose rebate is less than the amount for which the applicant applied, may appeal the denial or improper rebate modification by filing a notice of appeal with the Director of the Agency.
- b) The notice of appeal must:
  - 1) Be made in writing;
  - 2) Be clearly marked "APPEAL OF ALTERNATE FUEL REBATE DENIAL OR MODIFICATION";
  - 3) Include a copy of the original application and a copy of the denial or rebate modification received by the applicant; and
  - 4) Identify which provisions of this Part the Agency did not properly apply and provide an explanation how the Agency allegedly misapplied the provisions of this Part.
- c) The notice of appeal must be postmarked within 30 days after the date of mailing of the denial letter or the modification notification letter, as applicable.
- d) The Director shall reverse the denial or modification:
  - 1) If:
    - A) The procedures in this Part were incorrectly applied thereby resulting in a denial or a rebate that is less than the amount for which the applicant applied; or
    - B) Additional information available to the Director supports payment of a rebate to the applicant; and
  - 2) If funds were available for the payment of a valid rebate at the time of the initial decision.
- e) If the Director reverses the denial of the rebate, the applicant will retain its prioritization as determined pursuant to Section 275.240 for payment during the next payment cycle.
- f) If the Director reverses the modification of the rebate, the applicant

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will retain its prioritization as determined pursuant to Section 275.240 for payment of the difference between the amount contained in the application and the amount contained in the modification notification letter during the next payment cycle.

- g) If the Director affirms the Agency's denial or modification of the rebate, the applicant may file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the applicant resides.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Reimbursement Provision Contained in Individual and Group Accident and Health Policies

2) Code Citation: 50 Ill. Adm. Code 2020

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2020.10	New Section
2020.20	New Section
2020.30	New Section
2020.40	New Section
2020.50	New Section

- 4) Statutory Authority: Implementing Article IX and Sections 357.18 and 357.19 of the Illinois Insurance Code [215 ILCS 5/Art. IX, 357.18, 357.19] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

- 5) A Complete Description of the Subjects and Issues Involved: The proposed rule clarifies the Department's position as to how it implements and interprets Article IX and Sections 357.18 and 357.19 of the Illinois Insurance Code when considering the approval or disapproval of Individual and Group Accident and Health Policies. The proposed rule sets forth language to be used in a reimbursement provision which does not violate Sections 357.18 and 357.19 of the Illinois Insurance Code.

- 6) Will this proposed Rule replace an emergency rule currently in effect? No

- 7) Does this Rule contain an automatic repeal date? No

- 8) Does this proposed Rule contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Chuck Feinen	Denise Hamilton
Staff Attorney	Rules Unit Supervisor
Department of Insurance	Department of Insurance
320 West Washington	320 West Washington
Springfield, Illinois 62767-0001	Springfield, Illinois 62767-0001
(217) 557-1396	(217) 785-8560



DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED RULE

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Small insurance companies that offer Group and Individual Accident and Health Policies.
- B) Reporting, bookkeeping or other procedures required for compliance: Most companies have already changed the language in their policy forms to be consistent with the Department's interpretation and implementation of the Sections of the Code that are involved.
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: We did not anticipate the need for a rulemaking during the last regulatory agenda period.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED RULE

TITLE 50: INSURANCE  
CHAPTER 1: DEPARTMENT OF INSURANCE  
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2020  
REIMBURSEMENT PROVISION CONTAINED  
IN INDIVIDUAL AND GROUP  
ACCIDENT AND HEALTH POLICIES

Section	Scope
2020.10	Purpose
2020.20	Definitions
2020.30	Reimbursement Provision
2020.40	
AUTHORITY: Implementing Sections 143(1), 357.18, 357.19, and Article IX and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. IX, 143(1), 357.18, 357.19 and 401].	
SOURCE:	Adopted at 24 Ill. Reg. _____, effective _____,

**Section 2020.10 Scope**

This Part shall apply to any insurance company licensed to do business in this State which is transacting the kind or kinds of business described as Class 1(b) or Class 2(a) of Section 4 of the Illinois Insurance Code [215 ILCS 5/4].

**Section 2020.20 Purpose**

The purpose of this Part is to clarify policy form language concerning the application of Section 357.18 and 357.19 of the Illinois Insurance Code [215 ILCS 5/357.18 and 357.19] and the use of reimbursement provisions in such policy forms.

**Section 2020.30 Definitions**

Code means the Illinois Insurance Code including any of the Acts in Chapter 215 of the Illinois Insurance Code.

Department means the Illinois Department of Insurance.

**Section 2020.40 Reimbursement Provision**

- a) In addition to any other requirements set forth in the Code or Department's regulations, if an insurer includes a reimbursement provision in its policy, that provision shall state as follows, unless otherwise approved by the Department pursuant to subsection (b)

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULE

## of this Section:

**Right of Reimbursement:** If a covered person incurs expenses for sickness or injury that occurred due to the negligence of a third party:

(i) we have the right to reimbursement for all benefits we paid from any and all damages collected from the third party for those same expenses whether by action at law, settlement, or compromise, by the covered person, covered person's parents, if the covered person is a minor, or covered person's legal representative as a result of that sickness or injury; and

(ii) we are assigned the right to recover from the third party, or his or her insurer, to the extent of the benefits we paid for that sickness or injury.

We shall have the right to first reimbursement out of all funds the covered person, the covered person's parents if the covered person is a minor, or the covered person's legal representative, is or was able to obtain for the same expenses we have paid as a result of that sickness or injury.

You are required to furnish any information or assistance or provide any documents that we may reasonably require in order to obtain our rights under this provision. This provision applies whether or not the third party admits liability.

b) An insurer may not modify the standard reimbursement provision language in subsection (a) of this Section unless it receives prior approval from the Department. However, under no circumstances can the language stated in paragraph (i) of the standard reimbursement provision of subsection (a) of this Section be modified to circumvent Section 357.18 and 357.19 of the Code [215 ILCS 5/357.18 and 357.19]. The insurer shall notify the Department in its letter of submission made pursuant to 50 Ill. Adm. Code 916.40(b) of the proposed use of modified reimbursement language pursuant to this Section in all policy forms submitted for approval pursuant to Section 143 of the Code [215 ILCS 5/143] and 50 Ill. Adm. Code 916.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: General Administrative Provisions

2) Code Citation: 89 Ill. Adm. Code 10

3) Section Numbers:  
 10.220 Adopted Action:  
 New Section  
 10.225 New Section  
 10.230 New Section  
 10.235 New Section  
 10.250 New Section  
 10.263 New Section  
 10.268 New Section  
 10.283 New Section  
 10.410 New Section

4) Statutory Authority: Implementing Article I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. I through IX and 12-13].

5) Effective Date of Amendments: May 16, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 21, 2000 (24 Ill. Reg. 965)

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version:

The following changes were made in the text of the proposed amendments:

1. In Section 10.220(a), "age" was added before "race".

2. In Section 10.250(b), "five" was changed to "ten".

3. In Section 10.410(c)(3) and (d), "in" was changed to "on".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: This rulemaking adds to Department of Human Services' (DHS) rules provisions from the current rules of the Department of Public Aid (DPA) that need to be utilized by both agencies. To minimize confusion, the numbering of the new Sections has been designed to reflect the numbering of the DPA provisions from which the DHS provisions have been taken. This rulemaking also adds provisions for the reporting of elder abuse/neglect into the section on client's rights.

Subpart B (Rights Responsibilities) includes that following sections taken from current provisions of the Department of Public Aid rules at 89 Ill. Adm. Code 102.

<u>New DHS Rules</u>	<u>Source in DPA Rules</u>
10.220	102.20
10.225	102.25
10.230	102.30
10.235	102.35
10.250	102.50
10.263	102.63
10.268	None
10.283	102.83

Subpart C (Application Process) includes the following section taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 110.

<u>New DHS Rules</u>	<u>Source in DPA Rules</u>
10.410	110.10

16) Information and questions regarding these adopted amendments shall be directed to:

Mrs. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

The full text of adopted amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

## PART 10

## GENERAL ADMINISTRATIVE PROVISIONS

## SUBPART A: APPLICABILITY AND DEFINITIONS

Section
10.101
10.110
10.120
10.130
10.140

Incorporation by Reference  
Applicability  
Definitions  
Assistance Programs  
Assistance Program Restrictions

## SUBPART B: RIGHTS AND RESPONSIBILITIES

Section
10.210
10.220
10.225
10.230
10.235
10.250
10.263
10.268
10.270
10.280
10.281
10.282
10.283
10.284
10.290
10.295
10.300
10.310
10.320
10.330
10.340
10.350
10.360
10.370
10.380

Rights of Clients  
Nondiscrimination  
Grievance Rights of Clients  
Confidentiality of Case Information  
Case Records  
Reporting Change of Circumstances  
Reporting Child Abuse/Neglect  
Reporting Elder Abuse/Neglect  
Notice to Client  
Right to Appeal  
Continuation of Assistance Pending Appeal  
Time Limit for Filing an Appeal  
Examining Department Records  
Child Care  
Voluntary Repayment of Assistance  
Correction of Underpayments  
Recovery of Assistance  
Estate Claims  
Real Property Liens  
Filing and Renewal of Liens  
Foreclosure of Liens  
Release of Liens  
Personal Injury Claims  
Convictions of Fraud - Eligibility  
Single Conviction of Fraud - Administrative Review Board

## SUBPART C: APPLICATION PROCESS

Section
10.410
10.415

Application for Assistance  
Local Office Action on Application for Public Assistance

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 10.420 Time Limitations on the Disposition of an Application  
 10.430 Approval of an Application and Initial Authorization of Financial Assistance  
 10.438 General Assistance Approval Provisions  
 10.440 Denial of an Application

**AUTHORITY:** Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

**SOURCE:** Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective MAY 16 2000, 1, 1999; amended at 24 Ill. Reg. 7856 - 3, effective MAY 16 2000.

## SUBPART B: RIGHTS AND RESPONSIBILITIES

## Section 10.220 Nondiscrimination

- a) No individual participating in any program or activity shall be discriminated against because of age, race, color, religion, political affiliation, sex, national origin or handicap.  
 b) No direct payment for goods and services provided shall be made to any agency, institution, organization or individual vendor that initiates or continues prohibited discriminatory practices.  
 c) Information regarding the Department's nondiscrimination policy shall be made available to all applicants at the time of application, all recipients upon request, all vendors receiving direct payment from the Department and all other interested parties as necessary.  
 d) Any aggrieved person may file a written complaint of alleged discriminatory conditions or practices encountered in the Department's programs and activities.  
 e) No individual or household applying for or participating in the food stamp program administered by the Department shall be discriminated against because of age, race, color, sex, handicap, religious creed, national origin, or political beliefs. The individual/household is not to be discriminated against in any aspect of program administration, including but not limited to the certification of household, the issuance of benefits, the conduct of fair or fraud hearings, or the conduct of any other program service.

1) Individuals who believe that they have been subject to discrimination, as described in subsection (e) of this Section, may file a written complaint. When an individual expresses an interest in filing a discrimination complaint, the Department is to:

- A) explain the United States Department of Agriculture (USDA) complaint procedures (the procedure is outlined in 7 CFR 272.6(c)); and

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- B) explain the Department's complaint procedure; and  
 C) advise the individual of the right to file a complaint in either or both the USDA and/or Department complaint systems.  
 2) Information regarding the Department's nondiscrimination policy is to be made available to all households at the time of application, to any household upon request, and to all other interested parties as necessary.

(Source: Added at 24 Ill. Reg. 7856 - 3, effective MAY 16 2000.)

## Section 10.225 Grievance Rights of Clients

- a) When clients believe that they have not been treated with courtesy, consideration or respect by a Department employee, they or their representative may file a written grievance. The client may file a written grievance in any Department office, even if the grievance is against a staff person not working in that office.  
 b) The Department will investigate any written grievance that is filed within 60 days after the grievance occurrence. A client grievance filed more than 60 days after the grievance occurrence will not be investigated by the Department.  
 c) Responsibility for Handling a Grievance  
 1) When the client is in the local office and files a grievance against a local office staff person, the intermediary will handle the grievance.  
 2) When the client is in the local office and files a grievance against the local office administrator, the local office administrator or designee will accept the grievance and notify the next higher level supervisor.  
 3) When the client is in the local office and files a grievance against other agency personnel, the work site manager will accept the grievance and notify the appropriate intermediary.  
 4) When the client is in any other Department office and files a grievance against a local office staff person or other agency personnel, the work site manager will accept the grievance and notify the appropriate intermediary within 48 hours.  
 d) Intermediary  
 1) An intermediary is a designated staff person who investigates and decides the merits of a client grievance. If necessary, the intermediary decides about disciplinary action.  
 2) For local office personnel, the intermediary is:  
 A) the local office administrator;  
 B) a management person designated by the local office administrator; or  
 C) the next higher level supervisor if the grievance is filed against the local office administrator.  
 3) For other agency personnel, the intermediary is:



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

A) the bureau chief of the employee against whom the grievance has been filed; or  
B) a management person designated by the bureau chief.

e) Investigation and Conference

1) The intermediary registers all grievances in a log. The information on the log contains:

A) the name of the grievant;  
B) the name of the worker or workers against whom the grievance is directed;

C) the person who heard the grievance, if a hearing was held;  
D) the issue or issues involved; and  
E) the resolution of the grievance and any appropriate effective dates.

2) The intermediary will investigate the grievance. If necessary, the intermediary will determine the merits of the grievance and any disciplinary action that may be indicated.

3) When the intermediary determines that the investigation indicates a need for action, the intermediary will send a copy of the grievance to the employee against whom the grievance was filed. Within ten days after the receipt of the grievance, the intermediary will arrange a conference between:

A) the client who filed the grievance;  
B) the representative of the client who filed the grievance, if any;

C) the employee against whom the grievance was filed;  
D) a representative designated by the employee, if any (For a bargaining unit employee, a representative of the bargaining unit may be the representative.); and  
E) the intermediary.

4) The representative of the employee is allowed to:

A) be present to make sure that a bargaining unit employee's rights under the contract are not violated and that the collective bargaining agreement is not violated; and  
B) be present to make sure a non-bargaining unit employee's rights under the rules of the Department of Central Management Services (80 Ill. Adm. Code 310) are not violated.

5) The meeting to hear a client's grievance is an informal conference, controlled by the intermediary to obtain information from the client and the employee in order to determine the facts about the issue.

6) Within 15 calendar days after the conference, the intermediary will advise the client who filed the grievance, in writing, of any action being taken. The client will not be informed of disciplinary action taken against Department staff.

f) The Department will take corrective action when just cause is shown. The corrective action must be in accordance with the Agreements between the State of Illinois and the American Federation of State.

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

County and Municipal Employees or rules of the Department of Central Management Services (80 Ill. Adm. Code 302: Subpart K), whichever is applicable.

(Source: Added at 24 Ill. Reg. 7856, effective MAY 16 2000)

Section 10.230 Confidentiality of Case Information

a) For the protection of clients, any information about a client or case is confidential and shall be used only for purposes directly related to the administration of the assistance programs. The following shall be considered as included in the administration of the programs:

1) the establishment of a client's initial or continuing eligibility for public assistance;  
2) the establishment or the extent of an individual's need for financial assistance, medical assistance or other services; and  
3) the establishment of procedures assuring the health and safety of the client.

b) Use of information for commercial, personal, or political purposes is specifically prohibited.

c) Local office staff shall inform all agencies and governmental departments to whom information is furnished that this material is confidential and must be so considered by the agency or governmental department.

d) The current address of clients who are fugitive felons or probation/parole violators shall be disclosed to State and local law enforcement officers without client consent. For cash assistance, a fugitive felon is a person fleeing to avoid prosecution, to avoid giving testimony, or to avoid incarceration as a result of his or her involvement in a felony case. For food stamps, a fugitive felon is a person fleeing to avoid prosecution or to avoid incarceration as a result of his or her involvement in a felony case. A person who has escaped from a correctional facility is a fugitive felon. The current address of clients shall be disclosed only to properly identified (i.e., law enforcement badge and/or identification card) State and local law enforcement officers who:

1) provide the Department with the name and social security number of the client; and

2) satisfy the requirements of 45 CFR 205.50(a)(v)(A)-(C)(1984). The client shall not be advised of the disclosure of such information.

(Source: Added at 24 Ill. Reg. 7856, effective MAY 16 2000)

Section 10.235 Case Records

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- a) The case record is a business record and shall constitute an official record of the Department concerning clients.
- b) A case record shall be established for each applicant and maintained for each recipient.
- c) The case record shall indicate the basis for approval or denial of the application.

- d) A case record shall be established and maintained for each applicant and participant in the food stamp program. A separate food stamp case record shall be maintained for each non-assistance household.

1) For assistance households, the food stamp record shall be maintained in an isolated section of the regular income maintenance case record.

- 2) The case record shall be documented to support eligibility, ineligibility and benefit level determination. When verification is needed to resolve questionable information, the case record shall indicate the reason the information was considered questionable and what documentation was used to resolve the questionable information. The case record shall also indicate the reason why an alternate source of verification was needed.

(Source: Added at 24 Ill. Reg. 7856-3, effective MAY 16 2000)

**Section 10.250 Reporting Change of Circumstances**

- a) General

It is the responsibility of the client to report any change in circumstances, including but not limited to household composition or receipt of income or assets that might affect the client's assistance. This information shall be reported to the local office within ten working days after the change or prior to the expenditure of funds received, whichever occurs first.

- b) AABD

When an individual other than the recipient maintains the recipient's funds (income and/or assets), it is the responsibility of that individual to report any changes in circumstances to the local office. Any changes that may affect the recipient's continued eligibility for financial assistance, including receipt of lump-sum payments, shall be reported to the local office within ten working days after the change.

(Source: Added at 24 Ill. Reg. 7856-3, effective MAY 16 2000)

**Section 10.263 Reporting Child Abuse/Neglect**

- a) As mandated by the Abused and Neglected Child Reporting Act [22 ILCS], Department field staff are required to immediately report to the Department of Children and Family Services suspected abuse or neglect.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

A report is to be filed when there is reason to believe a child may be an abused or neglected child or when information is received that a child may be an abused or neglected child. Abuse or neglect, as defined by State law (Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3]) and the rules and regulations of the Department of Children and Family Services (89 Ill. Adm. Code 302.1 Subpart B) is reportable.

- b) This reporting requirement applies to all Department staff. This includes income maintenance and any other staff who suspect that a child, with whom they have had contact in a working capacity, is an abused or neglected child.

(Source: Added at 24 Ill. Reg. 7856-3, effective MAY 16 2000)

**Section 10.268 Reporting Elder Abuse/Neglect**

- a) As mandated by the Elder Abuse and Neglect Act, Department staff, while engaged in carrying out their professional duties, are required to report the abuse, neglect or financial exploitation of any Illinois resident 60 years of age or older who lives in the community when the older person is unable to self-report. Elder abuse is defined in Section 2 of the Elder Abuse and Neglect Act [320 ILCS 20/2] as causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.

- b) Elder abuse must be reported, within 24 hours, to the Department on Aging's Elder Abuse and Neglect Program.

- c) This reporting requirement applies to all Department staff who suspect that an older person, with whom they have had contact in a working capacity, is an abused elder.

(Source: Added at 24 Ill. Reg. 7856-3, effective MAY 16 2000)

**Section 10.283 Examining Department Records**

At any time during the regular office hours of the Department, the Department shall permit a client (as defined at Section 10.120) and/or a client's authorized representative to examine the client's case records in the presence of a Department employee and to obtain copies of such case record materials upon payment of a charge for reproduction.

(Source: Added at 24 Ill. Reg. 7856-3, effective MAY 16 2000)

SUBPART C: APPLICATION PROCESS

**Section 10.410 Application for Assistance**



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- a) An application is a signed request for assistance on a Department of Human Services (Department) form which has been completed to the best of the client's knowledge and ability.
- b) The application must contain an original signature or signatures. If the application does not contain an original signature or signatures, the local office shall return the application to the sender to obtain the original signature or signatures.
- c) The application must be signed by the applicant with the following exceptions:
- 1) When a conservator has been appointed for the applicant, the conservator must sign the application.
  - 2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly in behalf of the applicant.
  - 3) When application is made on behalf of a child, the child's caretaker must sign the application.
  - 4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act on his or her behalf.)
- d) Application for medical assistance may be made on behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.
- e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.
- f) The date of application shall be the date a completed original application is received by the local office serving the area of the State in which the applicant lives, with one exception: for applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally qualified health center, the date the application is signed by the applicant shall be the date of application.

(Source: Added at 24 Ill. Reg. 7856 - 3, effective MAY 16 2000)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 1200
- 3) Section Numbers: Adopted Action: 1200.100 Amendment
- 4) Statutory Authority: 5 ILCS 100/5-15
- 5) Effective Date of Rulemaking: May 18, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: This is an internal rulemaking and filed as adopted.
- 10) Has JCER issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: This regulation is final as adopted.
- 12) Have all the changes agreed upon by the agency and JCER been made as indicated in the agreements issued by JCER? This is an internal rulemaking and filed as adopted.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking corrects an incorrect citation to the Department's website.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Jerilyn Gorden  
 Address: Senior Counsel, Sales and Excise Tax  
 Illinois Department of Revenue  
 Legal Services Office  
 101 West Jefferson  
 Springfield, Illinois 62794  
 Telephone: 217/782-6996

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE D: CODE DEPARTMENTS  
CHAPTER XXI: DEPARTMENT OF REVENUE

## PART 1200

## PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

## SUBPART A: PUBLIC INFORMATION

## Section

1200.100 General Information and Taxpayer Assistance  
1200.110 Private Letter Rulings  
1200.120 General Information Letters  
1200.130 Department Publications

## SUBPART B: RULEMAKING

## Section

1200.200 Procedures

## SUBPART C: ORGANIZATION

## Section

1200.300 Department Organization  
1200.310 Regional Offices

## TABLE A Organizational Chart

**AUTHORITY:** Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 2505-795 of the Civil Administrative Code [20 ILCS 2505/2505-795].

**SOURCE:** Adopted at 17 Ill. Reg. 7054, effective May 3, 1993; amended at 24 Ill. Reg. 6943, effective April 21, 2000; amended at 24 Ill. Reg. 7866 --, effective May 18, 2000.

## SUBPART A: PUBLIC INFORMATION

**Section 1200.100 General Information and Taxpayer Assistance**

- a) Public information concerning tax Acts administered by the Department of Revenue, tax forms and tax return filing information may be obtained by visiting a Regional Office of the Department of Revenue (for Regional Office locations, see Section 1200.310); by calling one of the following information and assistance lines:

(800) 732-8866  
(217) 782-3336



## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

TTY -- Telecommunications Device  
for the hearing impaired

or by writing:

(217) 785-4270

Taxpayer Information Division  
P.O. Box 19001  
Springfield, Illinois  
62794-9001

- b) General information regarding the Department and various topics of general interest to taxpayers and tax practitioners can be found at the Department's website at [www.revenue.state.il.us](http://www.revenue.state.il.us)

(Source: Amended at 24 Ill. Reg. **7866** - **3**, effective May 18, 2000)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Approval of Negotiated Agreements

- 2) Code Citation: 83 Ill. Adm. Code 763

- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
763.30	Amendment
763.105	New Section
763.230	Amendment
763.1000	New Section
763.1010	New Section
763.1020	New Section
763.1030	New Section
763.1040	New Section
763.1045	New Section
763.1050	New Section
763.1060	New Section

- 4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

- 5) Effective Date of Amendments: May 22, 2000

- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

- 7) Date Filed with the Index Department: May 19, 2000

- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Commission's principal office in Springfield and is available for public inspection.

- 9) Reason for Emergency: The rules that govern proceedings before the Illinois Commerce Commission are contained in the Commission's "Rules of Practice" (83 Ill. Adm. Code 200). These rules control every aspect of docketed proceedings before the Commission, from the filing of complaints to appeals of Commission final orders. In addition to the Rules of Practice, however, there are four separate Parts that deal with the specialized practice before the Commission in the field of telecommunications. Three of these, 83 Ill. Adm. Code 761, "Arbitration Practice", 83 Ill. Adm. Code 762, "Approval or Rejection of Arbitrated Agreements", and 83 Ill. Adm. Code 763, "Approval of Negotiated Agreements" implement the Communications Act of 1934, while the fourth, 83 Ill. Adm. Code 766, "Telecommunications Enforcement", implements Sections 13-515 and 13-516 of the Public Utilities Act. Many of the procedures of

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

Part 200 were modified for inclusion in the four telecommunications Parts.

The advent of new technology has given the Commission and those who practice before it the ability to send and receive information by electronic means faster and more inexpensively than by the sole use of paper documents. The law has been attempting to keep up with technological change. In 1999, the Electronic Commerce Security Act ("ECSA") [5 ILCS 175] became effective. Section 5-101 of the ECSA states that one of the purposes of the legislation is "[t]o facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records".

Article 25 of the ECSA deals with the use of electronic records by State agencies. Section 25-101(a) authorizes each agency to determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, use, store, and rely upon electronic records and electronic signatures. Section 25-101(b) authorizes State agencies to specify, by rule, formats, acceptable electronic signatures, control processes, and any other reasonably necessary attributes. Subsection (c) requires an agency's rules to include the relevant minimum security requirements established by the Department of Central Management Services, if any.

Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] gives the Commission the power to adopt rules to govern its proceedings. The ECSA encourages the exercise of the Commission's authority to use documents created in electronic formats. Toward the end of using available technology to allow persons outside of the Commission to file and retrieve electronic documents, the Commission has created "e-Docket", an electronic filing, reporting, and case management system accessible to the general public on the World Wide Web.

e-Docket is a web-based, automated information and records-keeping system. It was developed to process and manage public information about the Commission's docketed proceedings. e-Docket has a variety of practical uses. Anyone interested in case proceedings conducted by the Commission may visit the e-Docket web site at <http://web.icc.state.il.us/e-docket> and view a wealth of information about active and closed cases initiated on or after January 3, 2000. Users with e-Docket accounts may submit filings of applications, petitions, motions, and so forth, directly to the Commission over the Internet.

In order for the public to use e-Docket for the official filing of documents with the Commission, it is necessary to amend relevant Commission rules, including Part 763, to include the electronic world. The Commission has determined that it is a matter of the utmost urgency that Part 763 be amended immediately by the use of the emergency rulemaking procedures of the Illinois Administrative Procedure Act. Failure to act

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

immediately will cost those who practice before the Commission and the Commission itself time and resources that could better be directed elsewhere. The savings to the State of Illinois itself by the reduced flow of paper cannot be discounted. The failure of the Commission to act in an expeditious manner would represent a threat to the welfare of the citizens of Illinois. While the Electronic Commerce Security Act gives the primary responsibility for the development of rules for security in electronic transactions involving State agencies to the Department of Central Management Services, the Commission is of the opinion that the public will be served by the Commission's taking action at this time. The Commission will closely monitor the actions of the Department of Central Management Services in order to ensure that Commission rules are consistent with State law on an ongoing basis, but believes that the action taken here, in advance of Department action proposing new rules, is necessary to allow the Commission and those who avail themselves of the Commission as a forum to use electronic technology as soon as possible.

10) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing and adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings.

11) Are there any proposed amendments to this Part pending: No

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

13) Information and questions regarding these emergency amendments shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
(217) 785-3922  
Fax: (217) 524-9280

The full text of the Emergency Amendments appears on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

## PART 763

## APPROVAL OF NEGOTIATED AGREEMENTS

## SUBPART A: GENERAL PROVISIONS

## Section

763.10 Procedure Governed

763.20 Deviation from this Part

763.30 Definitions

EMERGENCY

763.40 Authority of Hearing Examiner

763.50 Federal Preemption of State Court Review

763.60 Failure to Act

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763.110 Filing of Petition for Approval of Negotiated Agreement

763.120 Required Disclosures

763.130 Contents of Documents

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763.150 Service

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763.230 Protective Orders

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763.300 Disqualification of Hearing Examiner

763.320 Transcripts

763.330 Consolidation and Severance

763.340 Information to be Added

763.350 Information to be Under Oath or Affirmation

763.360 Stipulation of Facts

763.370 Exhibits

763.380 Ex Parte Communications

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763.400 Briefs

763.410 Draft Proposed Decisions

763.420 Hearing Examiner's Proposed Decision

763.430 Exceptions; Reply

763.440 Filing of Briefs

763.450 Oral Argument

763.460 Additional Hearings

763.470 Reopening on Motion of the Commission

SUBPART F: ELECTRONIC FILING

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763.1000 Overview of Electronic Filing

EMERGENCY

763.1010 Acceptable Formats

EMERGENCY

763.1020 e-Docket Accounts

EMERGENCY

763.1030 Control Processes

EMERGENCY

763.1040 Submission of Electronic Documents

EMERGENCY

763.1045 Electronic Documents Accepted by the Commission

EMERGENCY

763.1050 Service by Electronic Means

EMERGENCY

763.1060 Electronic Documents and the Hearing Process

EMERGENCY

**AUTHORITY:** Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

**SOURCE:** Emergency rules adopted at 20 Ill. Reg. 8527, effective June 18, 1996, for a maximum of 150 days; emergency rules suspended at 20 Ill. Reg. 14285, effective November 1, 1996; emergency suspension withdrawn at 21 Ill. Reg. 5660, effective May 2, 1997; adopted at 21 Ill. Reg. 6454, effective May 16, 1997; emergency amendment at 24 Ill. Reg. **7870**, effective May 22, 2000, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS



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## Section 763.30 Definitions

EMERGENCY

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, written discovery, answers to discovery, motions, responses, replies, notices, suggested findings of fact and conclusions of law, exceptions to Hearing Examiners' proposed orders, briefs, drafts or suggested forms of order, and similar writings.

"Electronic" includes *electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.* [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 763.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

"Hearing Examiner" means an employee of the Commission, or a Commissioner, designated by the Commission to conduct proceedings pursuant to Section 252(e) of the Communications Act of 1934 (47 U.S.C. 252).

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means any person who enters into a negotiated agreement for which Commission approval is sought under 47 U.S.C. 252(e); or, any person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but shall have the specific rights

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and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective May 22, 2000, for a maximum of 150 days)

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

## Section 763.105 Form of Pleadings and Documents

EMERGENCY

a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.

c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added by emergency rulemaking at 24 Ill. Reg. effective May 22, 2000, for a maximum of 150 days)

SUBPART C: SCHEDULING AND DISCOVERY PROCEDURES

## Section 763.230 Protective Orders

EMERGENCY

a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.

## ILLINOIS COMMERCE COMMISSION

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- c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
- d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

## SUBPART F: ELECTRONIC FILING

## Section 763.1000 Overview of Electronic Filing

EMERGENCY

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

## Section 763.1010 Acceptable Formats

EMERGENCY

- a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:
- 1) Microsoft Word for Windows, version 6.0 and greater;
  - 2) Corel WordPerfect for Windows, version 6.0 and greater;
  - 3) Microsoft Excel for Windows, version 4.0 and greater;
  - 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
  - 5) ASCII Text;
  - 6) Adobe Acrobat 2.0 and greater.
- b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.
- c) The Commission encourages persons to submit electronic documents in

## ILLINOIS COMMERCE COMMISSION

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PDF.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

## Section 763.1020 e-Docket Accounts

EMERGENCY

- a) Each person seeking to file electronic documents must have an active e-Docket account.
- b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.
- c) The e-Docket application requires the following information:
- 1) First name and last name;
  - 2) Primary mailing address and phone number;
  - 3) Preferred user name;
  - 4) Password;
  - 5) Challenge question and answer; and
  - 6) Notarized signature.
- d) Applications must be hand-delivered or mailed to the e-Docket help desk.
- e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length, and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.
- f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on the filings.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

## Section 763.1030 Control Processes

EMERGENCY

- a) e-Docket allows only users with I.D. and passwords to file electronic documents.
- b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.
- c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected.



## ILLINOIS COMMERCE COMMISSION

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The submitter of such an electronic document will be notified of the rejection.

- d) The web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.
- e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

**Section 763.1040 Submission of Electronic Documents****EMERGENCY**

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.

- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 763.1010(a).

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

**Section 763.1045 Electronic Documents Accepted by the Commission****EMERGENCY**

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

**Section 763.1050 Service by Electronic Means****EMERGENCY**

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 763.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format

## ILLINOIS COMMERCE COMMISSION

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concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.

b) If any party files a proprietary electronic document (see Section 763.230), that party must serve the proprietary electronic document on any other party of record that has the right to see such document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

**Section 763.1060 Electronic Documents and the Hearing Process****EMERGENCY**

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have such copies stamped is eliminated. If any prefiled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days of that hearing or, if applicable, within seven days of the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)



## ILLINOIS COMMERCE COMMISSION

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1) Heading of the Part: Approval or Rejection of Arbitrated Agreements2) Code Citation: 83 Ill. Adm. Code 7623) Section Numbers: Emergency Action:

762.30	Amendment
762.105	New Section
762.220	Amendment
762.1000	New Section
762.1010	New Section
762.1020	New Section
762.1030	New Section
762.1040	New Section
762.1045	New Section
762.1050	New Section
762.1060	New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].5) Effective Date of Amendments: May 22, 20006) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable7) Date Filed with the Index Department: May 19, 2000

## 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Commission's principal office in Springfield and is available for public inspection.

9) Reason for Emergency: The rules that govern proceedings before the Illinois Commerce Commission are contained in the Commission's "Rules of Practice" (83 Ill. Adm. Code 200). These rules control every aspect of docketed proceedings before the Commission, from the filing of complaints to appeals of Commission final orders. In addition to the Rules of Practice, however, there are four separate Parts that deal with the specialized practice before the Commission in the field of telecommunications. Three of these, 83 Ill. Adm. Code 761, "Arbitration Practice", 83 Ill. Adm. Code 762, "Approval or Rejection of Arbitrated Agreements", and 83 Ill. Adm. Code 763, "Approval of Negotiated Agreements" implement the Communications Act of 1934, while the fourth, 83 Ill. Adm. Code 766, "Telecommunications Enforcement", implements Sections 13-515 and 13-516 of the Public Utilities Act. Many of the procedures of

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

## Part 200 were modified for inclusion in the four telecommunications Parts.

The advent of new technology has given the Commission and those who practice before it the ability to send and receive information by electronic means faster and more inexpensively than by the sole use of paper documents. The law has been attempting to keep up with technological change. In 1999, the Electronic Commerce Security Act ("ECSA") [5 ILCS 175] became effective. Section 5-101 of the ECSA states that one of the purposes of the legislation is "[t]o facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records".

Article 25 of the ECSA deals with the use of electronic records by State agencies. Section 25-101(a) authorizes each agency to determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, use, store, and rely upon electronic records and electronic signatures. Section 25-101(b) authorizes State agencies to specify, by rule, formats, acceptable electronic signatures, control processes, and any other reasonably necessary attributes. Subsection (c) requires an agency's rules to include the relevant minimum security requirements established by the Department of Central Management Services, if any.

Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] gives the Commission the power to adopt rules to govern its proceedings. The ECSA encourages the exercise of the Commission's authority to use documents created in electronic formats. Toward the end of using available technology to allow persons outside of the Commission to file and retrieve electronic documents, the Commission has created "e-Docket", an electronic filing, reporting, and case management system accessible to the general public on the World Wide Web.

e-Docket is a web-based, automated information and records-keeping system. It was developed to process and manage public information about the Commission's docketed proceedings. e-Docket has a variety of practical uses. Anyone interested in case proceedings conducted by the Commission may visit the e-Docket web site at <http://eweb.icc.state.il.us/e-docket> and view a wealth of information about active and closed cases initiated on or after January 3, 2000. Users with e-Docket accounts may submit filings of applications, petitions, motions, and so forth, directly to the Commission over the Internet.

In order for the public to use e-Docket for the official filing of documents with the Commission, it is necessary to amend relevant Commission rules, including Part 762, to include the electronic world. The Commission has determined that it is a matter of the utmost urgency that Part 762 be amended immediately by the use of the emergency rulemaking procedures of the Illinois Administrative Procedure Act. Failure to act

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

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- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing and adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 13) Information and questions regarding these emergency amendments shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
Phone: (217) 785-3922  
Fax: (217) 524-9280

The full text of the Emergency Amendments appears on the next page:

## ILLINOIS COMMERCE COMMISSION

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TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 762  
APPROVAL OR REJECTION OF ARBITRATED  
AGREEMENTS

## SUBPART A: GENERAL PROVISIONS

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762.10	Procedure Governed
762.20	Deviation from this Part
762.30	Definitions
<u>EMERGENCY</u>	
762.40	Authority of Hearing Examiner
762.50	Federal Preemption of State Court Review
762.60	Failure to Act

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section	
762.100	Communications to the Commission
762.105	Form of Pleadings and Documents
<u>EMERGENCY</u>	
762.110	Submission for Commission Approval of an Arbitrated Agreement
762.120	Filing of Comments
762.130	Service

## SUBPART C: PRE-DECISIONAL PROCEDURE

Section	
762.200	Pre-decisional Conferences
762.205	Schedule of Pre-decisional Procedure
762.210	Intervention
762.220	Protective Orders
<u>EMERGENCY</u>	

## SUBPART D: DECISIONAL PROCEDURE

Section	
762.300	Disqualification of Hearing Examiner
762.310	Consolidation and Severance
762.320	Ex Parte Communications

## SUBPART E: POST-COMMENT PROCEDURE

## ILLINOIS COMMERCE COMMISSION

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Section  
762.410 Hearing Examiner's Proposed Decision  
762.420 Exceptions  
762.430 Oral Argument  
762.440 Additional Comments

## SUBPART F: ELECTRONIC FILING

Section  
762.1000 Overview of Electronic Filing  
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762.1010 Acceptable Formats  
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EMERGENCY  
762.1045 Electronic Documents Accepted by the Commission  
EMERGENCY  
762.1050 Service by Electronic Means  
EMERGENCY  
762.1060 Electronic Documents and the Hearing Process  
EMERGENCY

**AUTHORITY:** Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

**SOURCE:** Adopted at 21 Ill. Reg. 7129, effective June 1, 1997; emergency amendment at 24 Ill. Reg. **7881**, effective May 22, 2000, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

Section 762.30 Definitions  
EMERGENCY

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, motions, responses, replies, notices, proposed decisions, exceptions to Hearing Examiners' proposed orders, comments, drafts or suggested

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forms of order, and similar writings.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

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"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 762.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 U.S.C. 252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means those persons who submit to the Commission for approval an arbitrated agreement pursuant to Section 252(e) of the Communications Act of 1934 (47 U.S.C. 252); or, a person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. **7881**,



## ILLINOIS COMMERCE COMMISSION

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effective May 22, 2000, for a maximum of 150 days)

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section 762.105 Form of Pleadings and DocumentsEMERGENCY

- a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to said requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.
- b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.
- c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881-7,

effective May 22, 2000, for a maximum of 150 days)

## SUBPART C: PRE-DECISIONAL PROCEDURE

Section 762.220 Protective OrdersEMERGENCY

- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.
- b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.
- c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
- d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 7881,

effective May 22, 2000, for a maximum of 150 days)

## SUBPART F: ELECTRONIC FILING

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

Section 762.1000 Overview of Electronic FilingEMERGENCY

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with state and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881 -, effective May 22, 2000, for a maximum of 150 days)

Section 762.1010 Acceptable FormatsEMERGENCY

- a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

- 1) Microsoft Word for Windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.

- b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

- c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881 -, effective May 22, 2000, for a maximum of 150 days)

Section 762.1020 e-Docket AccountsEMERGENCY

- a) Each person seeking to file electronic documents must have an active e-Docket account.

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- b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.
- c) The e-Docket application requires the following information:
- 1) First name and last name;
  - 2) Primary mailing address and phone number;
  - 3) Preferred user name;
  - 4) Password;
  - 5) Challenge question and answer; and
  - 6) Notarized signature.
- d) Applications must be hand-delivered or mailed to the e-Docket help desk.
- e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length, and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.
- f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on the filings.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881 - , effective May 22, 2000, for a maximum of 150 days)

## Section 762.1030 Control Processes

EMERGENCY

- a) e-Docket allows only users with I.D. and passwords to file electronic documents.
- b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case.
- c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.
- d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.
- e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881 - , effective May 22, 2000, for a maximum of 150 days)

## Section 762.1040 Submission of Electronic Documents

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EMERGENCY

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.
- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 762.1010(a).

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881 - , effective May 22, 2000, for a maximum of 150 days)

## Section 762.1045 Electronic Documents Accepted by the Commission

EMERGENCY

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881 - , effective May 22, 2000, for a maximum of 150 days)

## Section 762.1050 Service by Electronic Means

EMERGENCY

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 762.130, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in pdf format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.
- b) If any party files a proprietary electronic document (see Section 762.220), that party must serve the proprietary electronic document on any other party of record that has the right to see such document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881 - , effective May 22, 2000, for a maximum of 150 days)

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Section 762.1060 Electronic Documents and the Hearing Process  
EMERGENCY

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have such copies stamped is eliminated. If any prefiled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days of that hearing or, if applicable, within seven days of the end of a continuous, day-to day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881, effective May 22, 2000, for a maximum of 150 days)

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Heading of the Part: Arbitration Practice

2) Code Citation: 83 Ill. Adm. Code 761

3) <u>Section Numbers:</u>	<u>Emergency Action:</u>
761.30	Amendment
761.105	New Section
761.240	Amendment
761.1000	New Section
761.1010	New Section
761.1020	New Section
761.1030	New Section
761.1040	New Section
761.1045	New Section
761.1050	New Section
761.1060	New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) Effective Date of Amendments: May 22, 2000

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date Filed with the Index Department: May 19, 2000

8) A statement that a copy of the emergency amendment, including any material incorporated by reference, is on file in the Commission's principal office and is available for public inspection.

9) Reason for Emergency: The rules that govern proceedings before the Illinois Commerce Commission are contained in the Commission's "Rules of Practice" (83 Ill. Adm. Code 200). These rules control every aspect of docketed proceedings before the Commission, from the filing of complaints to appeals of Commission final orders. In addition to the Rules of Practice, however, there are four separate parts that deal with the specialized practice before the Commission in the field of telecommunications. Three of these, 83 Ill. Adm. Code 761, "Arbitration Practice", 83 Ill. Adm. Code 762, "Approval or Rejection of Arbitrated Agreements", and 83 Ill. Adm. Code 763, "Approval of Negotiated Agreements" implement the Communications Act of 1934, while the fourth, 83 Ill. Adm. Code 766, "Telecommunications Enforcement", implements Sections 13-515 and 13-516 of the Public Utilities Act. Many of the procedures of



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Part 200 were modified for inclusion in the four telecommunications Parts.

The advent of new technology has given the Commission and those who practice before it the ability to send and receive information by electronic means faster and more inexpensively than by the sole use of paper documents. The law has been attempting to keep up with technological change. In 1999, the Electronic Commerce Security Act ("ECSA") [5 ILCS 175] became effective. Section 5-101 of the ECSA states that one of the purposes of the legislation is "[t]o facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records".

Article 25 of the ECSA deals with the use of electronic records by State agencies. Section 25-101(a) authorizes each agency to determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, use, store, and rely upon electronic records and electronic signatures. Section 25-101(b) authorizes State agencies to specify, by rule, formats, acceptable electronic signatures, control processes, and any other reasonably necessary attributes. Subsection (c) requires an agency's rules to include the relevant minimum security requirements established by the Department of Central Management Services, if any.

Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] gives the Commission the power to adopt rules to govern its proceedings. The ECSA encourages the exercise of the Commission's authority to use documents created in electronic formats. Toward the end of using available technology to allow persons outside of the Commission to file and retrieve electronic documents, the Commission has created "e-Docket", an electronic filing, reporting, and case management system accessible to the general public on the World Wide Web.

e-Docket is a web-based, automated information and records-keeping system. It was developed to process and manage public information about the Commission's docketed proceedings. e-Docket has a variety of practical uses. Anyone interested in case proceedings conducted by the Commission may visit the e-Docket web site at <http://web.icc.state.il.us/e-docket> and view a wealth of information about active and closed cases initiated on or after January 3, 2000. Users with e-Docket accounts may submit filings of applications, petitions, motions, and so forth, directly to the Commission over the Internet.

In order for the public to use e-Docket for the official filing of documents with the Commission, it is necessary to amend relevant Commission rules, including Part 761, to include the electronic world. The Commission has determined that it is a matter of the utmost urgency that Part 761 be amended immediately by the use of the emergency rulemaking procedures of the Illinois Administrative Procedure Act. Failure to act

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immediately will cost those who practice before the Commission and the Commission itself time and resources that could better be directed elsewhere. The savings to the State of Illinois itself by the reduced flow of paper cannot be discounted. The failure of the Commission to act in an expeditious manner would represent a threat to the welfare of the citizens of Illinois. While the Electronic Commerce Security Act gives the primary responsibility for the development of rules for security in electronic transactions involving State agencies to the Department of Central Management Services, the Commission is of the opinion that the public will be served by the Commission's taking action at this time. The Commission will closely monitor the actions of the Department of Central Management Services in order to ensure that Commission rules are consistent with State law on an ongoing basis, but believes that the action taken here, in advance of Department action proposing new rules, is necessary to allow the Commission and those who avail themselves of the Commission as a forum to use electronic technology as soon as possible.

10) A. Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing and adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

13) Information and questions regarding these emergency amendments shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
Phone: (217) 785-3922  
Fax: (217) 524-9280

The full text of the Emergency Amendments appears on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

## TITLE 83: PUBLIC UTILITIES

## CHAPTER I: ILLINOIS COMMERCE COMMISSION

## SUBCHAPTER f: TELEPHONE UTILITIES

## PART 761

## ARBITRATION PRACTICE

## SUBPART A: GENERAL PROVISIONS

## Section

761.10 Procedure Governed

761.20 Deviation from this Part

761.30 Definitions

EMERGENCY

761.40 Authority of Hearing Examiner

761.50 Federal Preemption of State Court Review

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

## Section

761.100 Communications to the Commission

761.105 Form of Pleadings and Documents

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761.110 Filing of Petition for Arbitration

761.130 Contents of Documents

761.140 Copies of Documents

761.150 Service

## SUBPART C: PRE-ARBITRATION PROCEDURE AND DISCOVERY

## Section

761.200 Pre-arbitration Conferences

761.210 Schedule of Pre-arbitration Procedure and Discovery

761.220 Failure to Comply with a Discovery Order or a Subpoena

761.230 Motion to Quash Subpoena

761.240 Protective Orders

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## SUBPART D: ARBITRATION PROCEDURE

## Section

761.300 Disqualification of Hearing Examiner

761.310 Arbitration Hearing Procedure

761.320 Transcripts

761.330 Consolidation and Severance

761.340 Information to be Adduced at Arbitration

761.350 Information to be Under Oath or Affirmation

761.360 Stipulation of Facts

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761.370 Exhibits

761.380 Ex Parte Communications

## SUBPART E: POST-HEARING PROCEDURE

## Section

761.400 Briefs

761.410 Draft Proposed Arbitration Decisions

761.420 Hearing Examiner's Proposed Arbitration Decision

761.430 Exceptions; Reply

761.440 Filing of Briefs

761.450 Oral Argument

761.460 Additional Hearings

761.470 Reopening on Motion of the Commission

## SUBPART F: ELECTRONIC FILING

## Section

761.1000 Overview of Electronic Filing

EMERGENCY

761.1010 Acceptable Formats

EMERGENCY

761.1020 e-Docket Accounts

EMERGENCY

761.1030 Control Processes

EMERGENCY

761.1040 Submission of Electronic Documents

EMERGENCY

761.1045 Electronic Documents Accepted by the Commission

EMERGENCY

761.1050 Service by Electronic Means

EMERGENCY

761.1060 Electronic Documents and the Hearing Process

EMERGENCY

**AUTHORITY:** Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

**SOURCE:** Emergency rules adopted at 20 Ill. Reg. 8541, effective June 18, 1996, for a maximum of 150 days; emergency rules suspended at 20 Ill. Reg. 14289, effective November 1, 1996; emergency suspension withdrawn at 21 Ill. Reg. 5660, effective May 2, 1997; adopted at 21 Ill. Reg. 6468, effective May 16, 1997; emergency amendment at 24 Ill. Reg. 7898, effective May 22, 2000, for a maximum 150 days.

## SUBPART A: GENERAL PROVISIONS

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

**Section 761.30 Definitions****EMERGENCY**

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, responses, amended and supplemental petitions, written discovery, responses to discovery, verified statements, verified exhibits, depositions, motions, responses, replies, notices, proposed arbitration decisions, exceptions to Hearing Examiners' proposed arbitration decisions, briefs, draft proposed arbitration decisions, and similar writings.

"Electronic" includes *electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.* [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 761.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 U.S.C. 252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Party" means any person who initiates a Commission proceeding by filing a petition for arbitration or a person entitled to file a response to a petition for arbitration pursuant to Section 252(b)(3) of the Communications Act of 1934. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this

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Part. No other person shall be granted party status or be allowed to intervene.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Petitioner" means a party who, by written petition, applies for or seeks relief through arbitration pursuant to Section 252(b) of the Communications Act of 1934.

"Pleading" means any petition, motion, reply or response filed in writing with the Commission in an arbitration proceeding.

"Respondent" means a party against whom a petition is filed.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective May 22, 2000, for a maximum of 150 days)

7898

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

**Section 761.105 Form of Pleadings and Documents****EMERGENCY**

a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to said requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.

c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added by emergency rulemaking at 24 Ill. Reg. effective May 22, 2000, for a maximum of 150 days)

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## SUBPART C: PRE-ARBITRATION PROCEDURE AND DISCOVERY

**Section 761.240 Protective Orders****EMERGENCY**



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- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.
- b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the any data, information or studies shall be two years from the date of submission.
- c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
- d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 7892, effective May 22, 2000, for a maximum of 150 days)

## SUBPART F: ELECTRONIC FILING

### Section 761.1000 Overview of Electronic Filing

#### EMERGENCY

One of the stated purposes of the Electronic Commerce Security Act is "[t]o facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records." [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [20 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as [e-Docket]. e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7892, effective MAY 22 2000, for a maximum of 150 days)

### Section 761.1010 Acceptable Formats

#### EMERGENCY

- a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

## ILLINOIS COMMERCE COMMISSION

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- 1) Microsoft Word for Windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.
- b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.
- c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7892, effective MAY 22 2000, for a maximum of 150 days)

### Section 761.1020 e-Docket Accounts

#### EMERGENCY

- a) Each person seeking to file electronic documents must have an active e-Docket account.
- b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.
- c) The e-Docket application requires the following information:
- 1) First name and last name;
  - 2) Primary mailing address and phone number;
  - 3) Preferred user name;
  - 4) Password;
  - 5) Challenge question and answer;
  - 6) Notarized signature.
- d) Applications must be hand-delivered or mailed to the e-Docket help desk.
- e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length, and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.
- f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on the filings.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7892, effective May 22, 2000, for a maximum of 150 days)

### Section 761.1030 Control Processes

## ILLINOIS COMMERCE COMMISSION

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EMERGENCY

- a) e-Docket allows only users with I.D. and passwords to file electronic documents.
- b) Only members of the service list for a particular arbitration proceeding are allowed to file electronic documents in that case.
- c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.
- d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.
- e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 9 2, effective May 22, 2000, for a maximum of 150 days)

Section 761.1040 Submission of Electronic DocumentsEMERGENCY

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.
- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 761.1010(a).

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 9 2, effective May 22, 2000, for a maximum of 150 days)

Section 761.1045 Electronic Documents Accepted by the CommissionEMERGENCY

All documents either initiating an arbitration proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 9 2, effective May 22, 2000, for a maximum of 150 days)

## ILLINOIS COMMERCE COMMISSION

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Section 761.1050 Service by Electronic Means  
EMERGENCY

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 761.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in pdf format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.
- b) If any party files a proprietary electronic document (see Section 761.240), that party must serve the proprietary electronic document on any other party of record that has the right to see such document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 9 2, effective May 22, 2000, for a maximum of 150 days)

Section 761.1060 Electronic Documents and the Hearing ProcessEMERGENCY

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefilled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have such copies stamped is eliminated. If any prefilled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days of that hearing or, if applicable, within seven days of the end of a continuous, day-to day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 9 2, effective May 22, 2000, for a maximum of 150 days)



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1) Heading of the Part: Rules of Practice

2) Code Citation: 83 Ill. Adm. Code 200

<u>Section Numbers:</u>	<u>Emergency Action:</u>
200.40	Amendment
200.100	Amendment
200.110	Amendment
200.430	Amendment
200.1000	New Section
200.1010	New Section
200.1020	New Section
200.1030	New Section
200.1040	New Section
200.1045	New Section
200.1050	New Section
200.1060	New Section

4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18C-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18C-1202], Section 18A-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18A-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) Effective Date of Amendments: May 22, 2000

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date Filed with the Index Department: May 18, 2000

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Commission's principal office in Springfield and is available for public inspection.

9) Reason for Emergency: The rules that govern proceedings before the Illinois Commerce Commission are contained in the Commission's "Rules of Practice". These rules control every aspect of docketed proceedings before the Commission, from the filing of complaints to appeals of Commission final orders. The advent of new technology has given the Commission and those who practice before it the ability to send and receive information by electronic means faster and more inexpensively than by the sole use of paper documents. The law has been attempting to keep up with technological change. In 1999, the Electronic Commerce Security Act ("ECSA") [5 ILCS 175] became effective. Section 5-101 of the ECSA states that one of the

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purposes of the legislation is "[t]o facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records."

Article 25 of the ECSA deals with the use of electronic records by State agencies. Section 25-101(a) authorizes each agency to determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, use, store, and rely upon electronic records and electronic signatures. Section 25-101(b) authorizes State agencies to specify, by rule, formats, acceptable electronic signatures, control processes, and any other reasonably necessary attributes. Subsection (c) requires an agency's rules to include the relevant minimum security requirements established by the Department of Central Management Services, if any.

Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] gives the Commission the power to adopt rules to govern its proceedings. The ECSA encourages the exercise of the Commission's authority to use documents created in electronic formats. Toward the end of using available technology to allow persons outside of the Commission to file and retrieve electronic documents, the Commission has created "e-Docket", an electronic filing, reporting, and case management system accessible to the general public on the World Wide Web.

e-Docket is a web-based, automated information and records-keeping system. It was developed to process and manage public information about the Commission's docketed proceedings. e-Docket has a variety of practical uses. Anyone interested in case proceedings conducted by the Commission may visit the e-Docket web site at <http://eweb.icc.state.il.us/e-docket> and view a wealth of information about active and closed cases initiated on or after January 3, 2000. Users with e-Docket accounts may submit filings of applications, petitions, motions, and so forth, directly to the Commission over the Internet.

In order for the public to use e-Docket for the official filing of documents with the Commission, it is necessary to amend the Rules of Practice to include the electronic world. The Commission has determined that it is a matter of the utmost urgency that the Rules of Practice be amended immediately by the use of the emergency rulemaking procedures of the Illinois Administrative Procedure Act. Failure to act immediately will cost those who practice before the Commission and the Commission itself time and resources that could better be directed elsewhere. The savings to the State of Illinois itself by the reduced flow of paper cannot be discounted. The failure of the Commission to act in an expeditious manner would represent a threat to the welfare of the citizens of Illinois. While the Electronic Commerce Security Act gives the primary responsibility for the development of rules for security in electronic transactions involving State agencies to the Department of Central Management Services, the



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Commission is of the opinion that the public will be served by the Commission's taking action at this time. The Commission will closely monitor the actions of the Department of Central Management Services in order to ensure that Commission rules are consistent with State law on an ongoing basis, but believes that the action taken here, in advance of the Department action proposing new rules, is necessary to allow the Commission and those who avail themselves of the Commission as a forum to use electronic technology as soon as possible.

- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing and adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings.
- 11) Are there any proposed amendments to this Part pending: No
- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 13) Information and questions regarding these amendments shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
Phone: (217) 785-3922  
Fax: (217) 524-8928

The full text of the Emergency Amendments appears on the next page:

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## NOTICE OF EMERGENCY AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: PROVISIONS APPLICABLE TO  
MORE THAN ONE KIND OF UTILITY

PART 200  
RULES OF PRACTICE

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## SUBPART D: HEARING PROCEDURE

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200.520	Interlocutory Review of Hearing Examiner's Ruling
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200.1060	Electronic Documents and the Hearing Process
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**AUTHORITY:** Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 1/5/25-101].

**SOURCE:** Filed and effective January 15, 1960; codified at 8 Ill. Reg. 18459; old rules repealed and new Part adopted at 9 Ill. Reg. 5627, effective April 15, 1985; emergency amendments at 10 Ill. Reg. 1277, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10481, effective May 30, 1986; amended at 18 Ill. Reg. 7748, effective May 15, 1994; amended at 20 Ill.

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Reg. 10607, effective August 15, 1996; emergency amendment at 24 Ill. Reg. **7903**, effective May 22, 2000 for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 200.40 Definitions**  
**EMERGENCY**

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commission" means the Illinois Commerce Commission.

"Commissioner" means a member of the Commission.

"Complainant" means a person who complains to the Commission by formal written complaint of any acts or things done or omitted to be done in violation, or claimed to be in violation, of the jurisdictional acts or of any order or rule of the Commission.

"Contested case" means any proceeding, not including rate making, rulemaking, quasi-legislative, informational or similar proceedings, where individual legal rights, duties or privileges of a party are required by law to be determined by the Commission after an opportunity for a hearing. [5 ILCS 100/1-30] ~~§§11-Rev-Stat-1985 ch-127-par-1003-02~~ With respect to proceedings under the Public Utilities Act, however, complaint cases initiated pursuant to any section of that Act, investigative proceedings and ratemaking cases shall be considered "contested cases" ~~§§11-Rev-Stat-1985-ch-11-2/3-par-10-101~~. [220 ILCS 5/10-101]

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 1/5-5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 200.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

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"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 5/11/5]

"Hearing Examiner" means an employee of the Commission, or a Commissioner, designated by the Commission to conduct hearings and take evidence, who shall have additional powers as are provided by the Electric Supplier Act [220 ILCS 30] ~~§§11-Rev-Stat-1985-ch-11-2/3-par-1003-02~~, the Illinois Commercial Relocation of Trespassing Motor Vehicles Law [625 ILCS 5/Ch. 18A] ~~§§11-Rev-Stat-1985-ch-95-1/27-par-100-100-et-seq~~, the Illinois Commercial Transportation Law (ICTL) [625 ILCS 5/Ch. 18C] ~~§§11-Rev-Stat-1985 ch-95-1/27-par-100-101-et-seq~~, the Public Utilities Act [220 ILCS 5] and the Illinois Administrative Procedure Act [5 ILCS 100] ~~§§11-Rev-Stat-1991-ch-127-par-1001-1-et-seq~~.

~~"ICRP" means the Illinois Commercial Transportation Law--§§11-Rev-Stat-1985-ch-95-1/27-par-100-101-et-seq~~

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding before the Commission; provided that, in the case of any inquiry, investigation or hearing under the Public Utilities Act on any matter relating to rates or other charges or services within any city, such city may become a party to the proceeding and an intervenor by filing with the Commission a written appearance of its attorney or authorized representative.

"License." A license includes the whole or part of any permit, certificate, approval, registration or similar type of permission required by law. [5 ILCS 100/1-35] ~~§§11-Rev-Stat-1985-ch-127-par-1003-04~~

"Licensing Proceeding" means the Commission process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license, when required by law to be preceded by notice and opportunity for hearing ~~§§11-Rev-Stat-1985-ch-127-par-1003-05-and-1016~~. [5 ILCS 100/1-40 and 10-65]

"Non-party participant" means a person who either through testimony or a statement comments on any matter pending before the Commission. A non-party participant is not an "Intervenor" and does not have the rights of an intervenor. A person need not file a petition to become a non-party participant but must comply with those procedures established by the Hearing Examiner.

"Party" means any person who initiates a Commission proceeding by filing an application, complaint or petition with the Commission, or who is named as a respondent, or who is allowed by the Commission, or



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by statute to intervene in a proceeding. Such a party to a proceeding before the Commission may be an applicant, complainant, intervenor, petitioner or respondent. Staff witnesses are not parties but shall have the specific rights and duties enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Petitioner" or "Applicant" means a party who by written petition or application applies for or seeks relief under any provisions of the jurisdictional acts or any order or rule of the Commission and who is not otherwise designated in this Section.

"Pleading" means any application, complaint, motion, petition or answer filed in writing with the Commission in a formal proceeding.

"Public Utilities Act" means the Public Utilities Act [220 ILCS 5] (1995, ch. 111-2/3, par. 1-101 et seq.).

"Respondent" means a party against whom a complaint or petition is filed, or a party who, by reason of interest in the subject matter of a petition or application or the relief sought therein, is made a respondent, or a party to whom an order is directed by the Commission initiating a proceeding, including public utilities, telecommunications carriers and carriers under the ICUL which have filed tariff schedules that are suspended for investigation by the Commission.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

"Staff witness" means a member of the Commission staff, excluding counsel, who testifies or enters an appearance in a particular proceeding before the Commission. Except for staff witnesses, this definition shall not limit the utilization of Commission staff as technical advisors to the Hearing Examiner or Commission.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective May 22, 2000, for a maximum of 150 days)

7903

## SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

Section 200.100 Contents of Pleadings and DocumentsEMERGENCY

All pleadings and documents in proceedings before the Commission to which a docket number has been assigned shall prominently display such docket number.

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Pleadings and documents initiating a new proceeding shall leave a space for the docket number. All pleadings shall also include the following information:

- The full name, address, facsimile number, e-mail address, and telephone number of the person or the representative of the person filing the pleadings.
- A plain and concise statement of any facts upon which the pleadings are based.
- The specific relief sought, which may be in the alternative, including the statutory authority or rule and regulation upon which such relief is sought.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective May 22, 2000, for a maximum of 150 days)

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Section 200.110 Forms of Pleadings and DocumentsEMERGENCY

a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches typewritten or printed on paper cut or folded so that the size shall not exceed a width of 8 1/2 inches and a length of 11 inches and shall have inside margins of one inch not less than 1/2 inch wide. All exhibits of a documentary character shall, whenever practical, conform to said requirements of size and margin. The if typewritten, the impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger. Persons filing a formal complaint pursuant to Section 200.170 using the complaint form provided by the Commission may complete the form in handwriting.

c) Reproductions may be by any process, providing that all copies are clear and permanently legible.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective May 22, 2000, for a maximum of 150 days)

7903

## SUBPART C: PREHEARING PROCEDURE AND DISCOVERY

Section 200.430 Protective OrdersEMERGENCY

a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

b) A person filing a motion for a protective order shall specify the

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- proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.
- c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
  - d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 79 03, effective May 22, 2000, for a maximum of 150 days)

## SUBPART F: ELECTRONIC FILING

### Section 200.1000 Overview of Electronic Filing

#### EMERGENCY

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to the Commission's Rules of Practice. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 79 03, effective May 22, 2000, for a maximum of 150 days)

### Section 200.1010 Acceptable Formats

#### EMERGENCY

- a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:
  - 1) Microsoft Word for Windows, version 6.0 and greater;
  - 2) Corel WordPerfect for Windows, version 6.0 and greater;
  - 3) Microsoft Excel for Windows, version 4.0 and greater;
  - 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
  - 5) ASCII Text;
  - 6) Adobe Acrobat 2.0 and greater.

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- b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.
- c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 79 03, effective May 22, 2000, for a maximum of 150 days)

### Section 200.1020 e-Docket Accounts

#### EMERGENCY

- a) Each person seeking to file electronic documents must have an active e-Docket account.
- b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.
- c) The e-Docket application requires the following information:
  - 1) First name and last name;
  - 2) Primary mailing address and phone number;
  - 3) Preferred user name;
  - 4) Password;
  - 5) Challenge question and answer; and
  - 6) Notarized signature.
- d) Applications must be hand-delivered or mailed to the e-Docket help desk.
- e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length, and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.
- f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on the filings.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 79 03, effective May 22, 2000, for a maximum of 150 days)

### Section 200.1030 Control Processes

#### EMERGENCY

- a) e-Docket allows only users with I.D. and passwords to file electronic documents.
- b) Only members of the service list for a particular docketed case are allowed to file electronic documents in that case. This does not



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prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.

- c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.
- d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.
- e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days)

**Section 200.1040 Submission of Electronic Documents****EMERGENCY**

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.

- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 200.1010(a).

- c) For dockets initiated after January 1, 2000, the requirement for the filing of multiple copies of documents is satisfied by the filing of a complete electronic version of a document.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days)

**Section 200.1045 Electronic Documents Accepted by the Commission****EMERGENCY**

All documents either initiating a docketed proceeding or filed in a docketed proceeding may be submitted to the Commission as electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days)

**Section 200.1050 Service by Electronic Means**

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**EMERGENCY**

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 200.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.
- b) If any party files a proprietary electronic document (see Section 200.430), that party must serve the proprietary electronic document on any other party of record that has the right to see such document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days)

**Section 200.1060 Electronic Documents and the Hearing Process****EMERGENCY**

If any electronic document is offered and received at a hearing in a docketed proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefilled electronic document is submitted without alteration at hearing, the requirements of Section 200.670 to offer multiple copies at hearing and to have such copies stamped are eliminated. If any prefilled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days of that hearing or, if applicable, within seven days of the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days)



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1) Heading of the Part: Telecommunications Enforcement2) Code Citation: 83 Ill. Adm. Code 7663) Section Numbers: Emergency Action:

766.11	New Section
766.12	New Section
766.30	New Section
766.1000	New Section
766.1010	New Section
766.1020	New Section
766.1030	New Section
766.1040	New Section
766.1045	New Section
766.1050	New Section
766.1060	New Section

4) Statutory Authority: Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].5) Effective Date of Amendments: May 22, 20006) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable7) Date Filed with the Index Department: May 19, 2000

## 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Commission's principal office in Springfield and is available for public inspection.

9) Reason for Emergency: The rules that govern proceedings before the Illinois Commerce Commission are contained in the Commission's "Rules of Practice" (83 Ill. Adm. Code 200). These rules control every aspect of docketed proceedings before the Commission, from the filing of complaints to appeals of Commission final orders. In addition to the Rules of Practice, however, there are four separate Parts that deal with the specialized practice before the Commission in the field of telecommunications. Three of these, 83 Ill. Adm. Code 761, "Arbitration Practice", 83 Ill. Adm. Code 762, "Approval or Rejection of Arbitrated Agreements", and 83 Ill. Adm. Code 763, "Approval of Negotiated Agreements" implement the Communications Act of 1934, while the fourth, 83 Ill. Adm. Code 766, "Telecommunications Enforcement", implements Sections 13-515 and 13-516 of the Public Utilities Act. Many of the procedures of Part 200 were modified for inclusion in the four telecommunications Parts.

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The advent of new technology has given the Commission and those who practice before it the ability to send and receive information by electronic means faster and more inexpensively than by the sole use of paper documents. The law has been attempting to keep up with technological change. In 1999, the Electronic Commerce Security Act ("ECSA") [5 ILCS 175] became effective. Section 5-101 of the ECSA states that one of the purposes of the legislation is "[t]o facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records".

Article 25 of the ECSA deals with the use of electronic records by State agencies. Section 25-101(a) authorizes each agency to determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, use, store, and rely upon electronic records and electronic signatures. Section 25-101(b) authorizes State agencies to specify, by rule, formats, acceptable electronic signatures, control processes, and any other reasonably necessary attributes. Subsection (c) requires an agency's rules to include the relevant minimum security requirements established by the Department of Central Management Services, if any.

Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] gives the Commission the power to adopt rules to govern its proceedings. The ECSA encourages the exercise of the Commission's authority to use documents created in electronic formats. Toward the end of using available technology to allow persons outside of the Commission to file and retrieve electronic documents, the Commission has created "e-Docket", an electronic filing, reporting, and case management system accessible to the general public on the World Wide Web.

e-Docket is a web-based, automated information and records-keeping system. It was developed to process and manage public information about the Commission's docketed proceedings. e-Docket has a variety of practical uses. Anyone interested in case proceedings conducted by the Commission may visit the e-Docket web site at <http://web.icc.state.il.us/e-docket> and view a wealth of information about active and closed cases initiated on or after January 3, 2000. Users with e-Docket accounts may submit filings of applications, petitions, motions, and so forth, directly to the Commission over the Internet.

In order for the public to use e-Docket for the official filing of documents with the Commission, it is necessary to amend relevant Commission rules, including Part 766, to include the electronic world. The Commission has determined that it is a matter of the utmost urgency that Part 766 be amended immediately by the use of the emergency rulemaking procedures of the Illinois Administrative Procedure Act. Failure to act immediately will cost those who practice before the Commission and the Commission itself time and resources that could better be directed

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

elsewhere. The savings to the State of Illinois itself by the reduced flow of paper cannot be discounted. The failure of the Commission to act in an expeditious manner would represent a threat to the welfare of the citizens of Illinois. While the Electronic Commerce Security Act gives the primary responsibility for the development of rules for security in electronic transactions involving State agencies to the Department of Central Management Services, the Commission is of the opinion that the public will be served by the Commission's taking action at this time. The Commission will closely monitor the actions of the Department of Central Management Services in order to ensure that Commission rules are consistent with State law on an ongoing basis, but believes that the action taken here, in advance of Department action proposing new rules, is necessary to allow the Commission and those who avail themselves of the Commission as a forum to use electronic technology as soon as possible.

- 10) A. Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing and adds Subpart E that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings.

- 11) Are there any proposed amendments to this Part pending: No

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

- 13) Information and questions regarding these emergency amendments shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
Phone: (217) 785-3922  
Fax: (217) 524-9280

The full text of the Emergency Amendments appears on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER 1: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

## PART 766

## TELECOMMUNICATIONS ENFORCEMENT

## SUBPART A: APPLICABILITY AND PRELIMINARY PROCEDURES

## Section

766.10 Applicability

766.11 Definitions

EMERGENCY

766.12 Form of Pleadings and Documents

EMERGENCY

766.15 Waiver of Time Limits

766.20 Intervention

766.25 Interlocutory Review Not Allowed

766.30 Protective Orders

EMERGENCY

## SUBPART B: EMERGENCY RELIEF PROCEDURES

## Section

766.100 Waiver of Emergency Time Limits

766.110 Emergency Relief Filing Requirements

## SUBPART C: PROCEDURE PRIOR TO ISSUANCE OF ORDER

## Section

766.300 Filing of Briefs

766.310 Filing of Draft Orders

## SUBPART D: ASSESSMENT OF COSTS AND IMPOSITION OF PENALTIES

## Section

766.400 Assessment of Costs

766.410 Procedure for Imposition of Penalties

766.415 Factors in Assessing Penalties

## SUBPART E: ELECTRONIC FILING

## Section

766.1000 Overview of Electronic Filing

EMERGENCY

766.1010 Acceptable Formats

EMERGENCY

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

766.1020 e-Docket AccountsEMERGENCY766.1030 Control ProcessesEMERGENCY766.1040 Submission of Electronic DocumentsEMERGENCY766.1045 Electronic Documents Accepted by the CommissionEMERGENCY766.1050 Service by Electronic MeansEMERGENCY766.1060 Electronic Documents and the Hearing ProcessEMERGENCY

**AUTHORITY:** Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

**SOURCE:** Emergency rules adopted at 21 Ill. Reg. 13180, effective September 11, 1997, for a maximum of 150 days; adopted at 22 Ill. Reg. 3460, effective February 1, 1998; emergency amendment adopted at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days.

## SUBPART A: APPLICABILITY AND PRELIMINARY PROCEDURES

Section 766.11 DefinitionsEMERGENCY

The following terms as used in this Part shall have the following meanings:

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 766.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/51]

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days)

Section 766.12 Form of Pleadings and DocumentsEMERGENCY

a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to said requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.

c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days)

Section 766.30 Protective OrdersEMERGENCY

a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.

c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.

d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days)

## SUBPART B: ELECTRONIC FILING



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

**Section 766.1000 Overview of Electronic Filing**  
**EMERGENCY**

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917 - , effective May 22, 2000, for a maximum of 150 days)

**Section 766.1010 Acceptable Formats**  
**EMERGENCY**

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

- 1) Microsoft Word for Windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917 - , effective May 22, 2000, for a maximum of 150 days)

**Section 766.1020 e-Docket Accounts**  
**EMERGENCY**

a) Each person seeking to file electronic documents must have an active e-Docket account.

## ILLINOIS COMMERCE COMMISSION

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b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length, and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on the filings.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917 - , effective May 22, 2000, for a maximum of 150 days)

**Section 766.1030 Control Processes**  
**EMERGENCY**

a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917 - ,

## ILLINOIS COMMERCE COMMISSION

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effective May 22, 2000, for a maximum of 150 days)

Section 766.1040 Submission of Electronic DocumentsEMERGENCY

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.
- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 766.1010(a).

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917 - 7, effective May 22, 2000, for a maximum of 150 days)

Section 766.1045 Electronic Documents Accepted by the CommissionEMERGENCY

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917 - 7, effective May 22, 2000, for a maximum of 150 days)

Section 766.1050 Service by Electronic MeansEMERGENCY

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding any other requirements of this Part, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail or in hand service. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 P.M. on that day.

- b) If any party files a proprietary electronic document (see Section 766.30), that party must serve the proprietary electronic document on any other party of record that has the right to see such document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

## ILLINOIS COMMERCE COMMISSION

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(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917 - 7, effective May 22, 2000, for a maximum of 150 days)

Section 766.1060 Electronic Documents and the Hearing ProcessEMERGENCY

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have such copies stamped is eliminated. If any prefiled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days of that hearing or, if applicable, within seven days of the end of a continuous, day-to day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917 - 7, effective May 22, 2000, for a maximum of 150 days)

## DEPARTMENT OF INSURANCE

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Mortgage Guaranty Insurance
- 2) Code Citation: 50 Ill. Adm. Code 202
- 3) The Notice of Proposed Amendments being corrected appeared at 24 Ill. Reg. 7457, on May 17, 2000.

- 4) The information being corrected is as follows:

Item 5) A Complete Description of the Subjects and Issues Involved: The amendments allow for a new industry practice of insuring up to 100% of the value of the real estate. Currently Illinois' insurance regulations prohibit potential real estate purchasers from purchasing if they have less than 5% down payment because they prohibit insurance companies from offering mortgage insurance for 100% of the real estate. The mortgage insurance industry wants to provide insurance for 100% of the value of the real estate and New York and California have already changed their laws to permit such insurance. The subject involved is the definition of "Authorized real estate security" which currently prohibits real estate purchasers from purchasing if they have less than 5% down payment. This change would allow the purchase of mortgage insurance for 100% of the value of the real estate.

Item 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The above named entities may purchase real estate with no down payment or less of a down payment. Therefore, any small business, municipality, or not for profit corporation looking to purchase real estate may be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

## DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Related Program ProvisionsCode Citation: 89 Ill Adm Code 117Section Numbers: 117.50Date Originally Published in the Illinois Register: 4/28/00  
24 Ill Reg 6723

At its meeting on May 16, 2000, the Joint Committee on Administrative Rules objected to the emergency rules of the Department of Human Services entitled Related Program Provisions (89 Ill Adm Code 117; 24 Ill Reg 6723) that attempts to apply this rulemaking retroactively; objects to the use of emergency rulemaking in this instance because the agency has not indicated the existence of any threat to the public interest, safety or welfare that required the 4/14/00 adoption of this emergency rule, as required by Section 5-45 of the IAPA; and objects to the agency's apparent adherence to policy not in rule since 11/17/99, in violation of the IAPA and of Section 12-4.11 of the Public Aid Code.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of the Part: Pharmacy Practice Act of 1987

Code Citation: 68 Ill Adm Code 1330

Section Numbers: 1330.85

Date Originally Published in the Illinois Register: 10/8/99  
23 Ill Reg 12344

At its meeting on May 16, 2000, the Joint Committee on Administrative Rules objected to Section 1330.85 of the above cited rulemaking because the Department is pursuing a policy of gathering dispensing error records that is not specifically authorized by statute. Public commentators have expressed concern that patient record confidentiality cannot be assured and that the rulemaking is too vague regarding the ultimate dissemination and use of these records by DPR personnel. Although no statute authorizes DPR to protect the confidentiality of dispensing error records, DPR, by rule, is stating that these records will not be subject to discovery or subpoena in any civil or criminal proceeding.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 16, 2000 through May 22, 2000 and have been scheduled for review by the Committee at its June 13, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
6/28/00	Department of Human Services, Public Information, Rulemaking, Department Organization (2 Ill Adm Code 1175)	2/18/00 24 Ill Reg 2573	6/13/00 t+1
6/28/00	Department of Human Services, Access to Public Records (2 Ill Adm Code 1176)	2/18/00 24 Ill Reg 2551	6/13/00
6/29/00	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	2/18/00 24 Ill Reg 2616	6/13/00
6/30/00	Department of Natural Resources, Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill Adm Code 550)	3/31/00 24 Ill Reg 5151	6/13/00
6/30/00	Department of Natural Resources, White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)	3/31/00 24 Ill Reg 5169	6/13/00
6/30/00	Department of Natural Resources, Squirrel Hunting (17 Ill Adm Code 690)	3/31/00 24 Ill Reg 5160	6/13/00
6/31/00	Department of Natural Resources, Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill Adm Code 740)	3/31/00 24 Ill Reg 5132	6/13/00
7/1/00	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	3/17/00 24 Ill Reg 4071	6/13/00

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

7/1/00 Department of Public Aid, Repeal of 3/17/00 6/13/00  
Demonstration Programs (89 Ill Adm Code 24 Ill Reg  
170) 4037

## PROCLAMATIONS

## 2000-270

## AMERICAN GI FORUM DAY

WHEREAS, thousands of Latino Americans served our country in World War II, returning home only to face denial of their rights as veterans and the basic American freedoms for which they had fought so hard; and  
WHEREAS, the American GI Forum is the nation's largest Hispanic veterans organization, serving both veterans and their communities for more than 40 years; and

WHEREAS, the American GI Forum is devoted to furthering the interests of Americans of Mexican descent and has participated in projects and programs in Mexican-American communities throughout Illinois; and

WHEREAS, the American GI Forum are a source of pride to all citizens of Mexican-American descent as the organization works to enhance the quality of life and create new opportunities for growth and development; and

WHEREAS, the American GI Forum is celebrating its 45th Annual State Convention on June 3;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3, 2000 as AMERICAN GI FORUM DAY in Illinois.

Issued by the Governor May 5, 2000.

Filed by the Secretary of State May 16, 2000.

## 2000-271

## FOSTER PARENT APPRECIATION MONTH

WHEREAS, to foster means to nourish, cherish and encourage, which is what foster parents do for emotionally needy children whose natural parents can no longer provide them with care; and

WHEREAS, foster parents meet a very special need in our society by ensuring these children receive attention, respect, love, understanding, compassion, health and educational services; and

WHEREAS, thousands of caring adults in Illinois have opened their hearts as well as their homes to provide a loving and stable environment for nearly 30,000 children; and

WHEREAS, the contributions of Illinois foster parents to the welfare of these children are incalculable and irreplaceable; and

WHEREAS, in 1999 Illinois out-distanced all other states in adoptions primarily due to the commitment shown by the State's licensed foster parents, who were responsible for more than 97 percent of last year's record 7,315 adoptions of DCFS wards; and

WHEREAS, there remains a great demand for additional caring adults in Illinois to consider opening their homes to children in need of foster care; and

WHEREAS, Illinois foster parents deserve our gratitude and respect for the work they do every day to ensure our children receive the support they need at a traumatic time in their lives;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as FOSTER PARENT APPRECIATION MONTH in Illinois.

Issued by the Governor May 5, 2000.

Filed by the Secretary of State May 16, 2000.

## 2000-272

## ASIAN AMERICAN HERITAGE MONTH

WHEREAS, the Asian American community constitutes the fastest growing minority group in the country and is an important element of our unique American mosaic; and

WHEREAS, the achievements of Asian American have contributed to our nation's progress and prosperity in a wide range of fields including art, architecture, literature, government, law, industry, commerce, medicine, science, and technologies, thus having contributed to the quality of life for Asian Americans and non-Asians alike; and

WHEREAS, Asian Americans, and all those who journeyed to the United States in pursuit of freedom and liberty, are an important part of our nation's foundation; and

WHEREAS, the Asian American community is visible and active as its members make significant strides toward full participation and equal opportunity in all walks of life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as ASIAN AMERICAN HERITAGE MONTH in Illinois and urge all citizens to join this celebration recognizing the infinite contributions of Asian Americans to our great State.

Issued by the Governor May 8, 2000.

Filed by the Secretary of State May 16, 2000.

## 2000-273

## DRINK MILK DAY

WHEREAS, four trucks flanked with the milk mustache sports celebrities are visiting more than 100 cities, from March through October, on a crusade to educate Americans about the importance of daily physical activity and the vital role nutrient-packed milk plays for health-conscious Americans eager to get in shape, lose weight or stay fit; and

WHEREAS, besides strengthening bones, fighting osteoporosis and helping lower blood pressure, new research shows that low-fat, calcium-rich milk may help increase the body's fat-burning ability, which would help people drop weight more easily; and

WHEREAS, milk contains nine essential nutrients, which are particularly important for physically active people. Milk is a good source of protein and provides more vitamins and minerals than leading sports drinks; and

WHEREAS, the Get Moo-ving with Milk tour is sponsored by the nation's dairy farmers and milk processors. The tour offers free fitness and nutrition assessments with a registered dietitian, sport activities like the Patrick Ewing 3-throw basketball challenge, the Mia Hamm 3-kick soccer challenge and the Mark McGwire 3-pitch baseball challenge, and a chance to become the next milk mustache celebrity in ESPN The Magazine;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 24, 2000, as DRINK MILK DAY in Illinois.

Issued by the Governor May 9, 2000.

Filed by the Secretary of State May 16, 2000.

## 2000-274

## EQUAL PAY DAY

WHEREAS, the Equal Pay Act and Title VII of the Civil Rights Act was passed more than 35 years ago; and

WHEREAS, a vast majority of households depend on the wages of a working mother and working families are often just one paycheck away from hardship; and

WHEREAS, fair pay strengthens the security of families today and eases future retirement costs, while enhancing the American economy; and

WHEREAS, the National Committee of Pay Equality, founded in 1979, while working to eliminate sex-based and race-based wage discrimination and achieve pay equality, will observe Equal Pay Day on May 11, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 11, 2000, as EQUAL PAY DAY in Illinois.

Issued by the Governor May 9, 2000.

Filed by the Secretary of State May 16, 2000.

## 2000-275

## SENIOR HAIRCARE MONTH

WHEREAS, National Cosmetology Month will be observed across the country during April 2000; and

WHEREAS, the activities of Jesus Christ Outreach Ministries will focus on senior haircare and related beauty services available to nursing homes and other elderly care facilities; and

WHEREAS, a senior haircare and fashion showcase will be held on April 29, 2000, at the Danville Care Center (North & 26 South) to celebrate the beauty of senior hair, skin and nails; and

WHEREAS, family, friends and staff members of Danville Care are cordially invited to participate; and

WHEREAS, the theme for the event is "Loving Care!";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2000 as SENIOR HAIRCARE MONTH in Illinois.

Issued by the Governor May 9, 2000.

Filed by the Secretary of State May 16, 2000.

## 2000-276

## VIVIAN D. ADAMS DAY

WHEREAS, Miss Vivian D. Adams has worked for more than 40 years as a teacher, speech therapist and educator; and

WHEREAS, Miss Adams is a graduate of the University of Illinois where she majored in Speech Pathology and Audiology, received her Master's Degree from Southern Illinois University and completed 45 semester hours beyond her Master's Degree; and

WHEREAS, Miss Adams was lauded as an educator, innovator, author, leader and inspiring example to follow her various roles in District 189; and

WHEREAS, as an Administrative Assistant in charge of elementary education, she was responsible for revising the entire elementary curriculum and developing the Illinois State Board of Education's kindergarten program in which she supervised the creation of 30 kindergarten classrooms in one year; and

WHEREAS, several new instructional units on Black Studies and the history of schools in East St. Louis were written and introduced under her direction; and

WHEREAS, Miss Adams has been honored by Illinois State Board of Education



and the Illinois Office of Education and was presented a gold certificate for "Those Who Excel" as School Administrator in Region Six; and

WHEREAS, Miss Adams, a volunteer and consultant for many State and civic organizations is listed in Who's Who of American Women; and

WHEREAS, Miss Adams is being honored on her retirement for her many years of distinguished service in School District 189;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12, 2000, as VIVIAN D. ADAMS DAY in Illinois.

Issued by the Governor May 9, 2000.

Filed by the Secretary of State May 16, 2000.

#### 2000-277

##### WALGREENS DRUG STORE DAY

WHEREAS, the Walgreen Co. was founded in Chicago in 1901; and

WHEREAS, it is a publicly traded Illinois Corporation; and

WHEREAS, Walgreens operates 116 stores in the City of Chicago and 389 stores in the State of Illinois; and

WHEREAS, Walgreens has opened its 3,000th drugstore in the City of Chicago; and

WHEREAS, Walgreens continues to offer convenience and pharmacy services throughout the city and State; and

WHEREAS, today marks the grand opening of Walgreens' 3,000th store;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 11, 2000, as WALGREENS DRUG STORE DAY in Illinois and extend best wishes for another 100 years of success to Walgreens and its employees on behalf of the citizens of the State of Illinois.

Issued by the Governor May 9, 2000.

Filed by the Secretary of State May 16, 2000.

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-792-4414 or jnatale@ocgate.sos.state.il.us (Internet address).

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11-1413-19	8-250-20	83-763-23
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